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International Court of Justice

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Price

OFFICIAL TRANSCRIPT OF THE INTERNATIONAL MILITARY TRIBUNAL IN THE MATTER OF THE UNITED STATES OF AMERICA, THE FRENCH REPUBLIC, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, AND THE UNION OF SOVIET SOCIALIST REPUBLICS AGAINST HERMANN WILHELM GOERING ET AL, DEFENDANTS, SITTING AT NURNBERG, GERMANY, ON 12 AUGUST 1946, 1000-1700, LORD JUSTICE LAWRENCE PRESIDING.

DR. SAUTER: Dr. Sauter, for the defendant Funk.

Mr. President, I beg to be granted permission to submit to the Tribunal an added application on behalf of Defendant Funk and read it into the record.

"On Monday, the 5th of August, 1946, that is to say a week ago today, the prosecution submitted an affidavit of the former SS Obergruppenfuehrer Oswald Pohl, its number being 4045-PS, alleging certain connections between the Defenda Funk with the SS, particularly with reference to the so-called "gold deposits " of the SS in the Reichsbank. I was unable to object to the use of this affidavit during the session of last Monday, the 5th of August because, because of illness, I was absent on that day and had reported my absence in the appropriate manner to the Secretary General. Representing me, Dr. Nelte, in a submission to the Tribunal, asked for permission, still on the same day, to interrogate witness Oswald Pohl in person in order to obtain an affidavit from him. In an applicatio dated the 7th of August, 1946, I myself repeated that application, asking at the same time for permission to call the witness Oswald Pohl for cross examination, and also that defendant Funk himself could make statements with reference to thes renewed accusations. After submission of these applications of mine, the SS judge Dr. Reinecke and Dr. Morgan, have been heard as witnesses for the SS here in Court. Both of these witnesses have raised accusations against Oswald Pohl, al-though he was their SS comrade, in the most serious possible manner. The testimon of these two witnesses. Dr. Reinecke a Dr. Morgan, had furnished the proof that the former Obengruppenfuehrer Oswald Pohl, that is to say, a witness of the prose cution, firstly --

THE PRESIDENT: Are you applying to cross examine Pohl or what?

DR. SAUTER: No. I shall give you the reason, Mr. President, immediately, if I will permit me to do so, why I do not wish to do so. I have just said that the examination of witnesses Dr. Reinecke and Dr. Morgan had furnished proof that this witness of the prosecution is, firstly, a millionfold murder, and secondly, that

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Pohl was the head of that clique of criminals which were carrying out the atrocities in concentration camps; certainly, that Pohl, with every means at his disposal, prevented the discovery of these atrocities and that he, for this purpose, even was committing renewed murder. All that has been ascertained from t testimony given under oath by witnesses Dr. Morgen and Reinecke. Under these circumstances, Gentlemen of the Tribunal, the defense of the Defendant Funk, refuses to use such a piece as a means of evidence. I refuse, therefore, in my capacity of defense counsel for the Defendant Funk, to hear this witness or to examine the said witness brought by the Prosecution as a witness or even to cal him into the witness stand because, definitely, testimony coming from a man who, without bothering his conscience, is the direct means of murdering innocent people --

THE PRESIDENT: Dr. Sauter, I understand that you are not making an application of any sort now; you are making what is in the nature of a --

DR. SAUTER: No, to the contrary, but I have another application. Mr President, I beg to have your permisson to make another application, which is just about to happen. I went on to say then that testimony from a man who, without th least bothering for his conscience, has murdered millions of innocent peopl has made a business out of murdering people, is in our conception without value for establishing the truth.

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THE PRESIDENT: The Tribunal thinks that this is an inappropriate time at which to make a protest of this sort, which is in the nature of an argument. If you are making an application, you can make an application. If you want to make a protest, you must make it later when the case for the organizations is at an end.

DR. SAUTER: Mr. President, may I make this explanation. We are about to come to the end of the submission of evidence, and it is my view that I shouldn't make this application only after the end of the trial but that this application which I am about to make right now must be made now so that the Tribunal will receive it in good time.

THE PRESIDENT: Dr. Sauter, if you would only come to your application we should be glad to hear it.

DR. SAUTER: Very well, Mr. President, right away. Mr. President, just one moment, may I then continue?

I therefore herewith apply that the Tribunal should decide, firstly, that the affidavit of Oswald Pohl, dated 15th of July, 1946, namely, Document 4045-PS, should not be admitted in evidence against the Defendant Walther Funk, and, secondly, that that part of the contents which has reference to the Defendant Funk of the affidavit of Oswald Pohl, 4045-PS, should be stricken of the record of the session of the 5th of August, 1946.

Furthermore, as an additional application and as a precautionary measure, I beg permissiom that Defendant Walther Funk should be recalled to the witness stand in order to give him the opportunity on his part to make a statement regarding these new statements, this new testimony coming from Oswald Pohl.

Mr. President, I have submitted that application to the General Secretary in writing this morning, but I do not know when the translating division will pass it on to you. I considered it appropriate, however, to beg your permission to make this application orally to you now, so that I cannot be accused of not having done so in good time here during the session, that I had failed to do that. That is the application, Mr. President, which I beg to make.

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THE PRESIDENT: The Tribunal would like to hear the Prosecution on this application.

DR. KEMPNER: May I reserve our answer until I have occasion to talk to the Chief Prosecutor, Mr. Dodd ?

THE PRESIDENT: Very well.

DR. KEMPNER: I would like to state that even murderers sometimes tell the truth.

DR. SAUTER: Thank you, Mr. President.

THE PRESIDENT: Has the Prosecution the wish to cross-examine further the witness ?

CROSS EXAMINATION--RESUMED

BY GENERAL ALEXANDROV:

Q Mr. Witness, I have two additional questions to ask you, both connected with the activities of operational Group D. You have announced here that you exclude the possibility of your Army Group having participated in the shooting which has been conducted by this group. I want to know if you knew that the clothes taken off those shot were sent to the Army?

A No, about that I know nothing. As far as I was concerned, the army quartermaster chief visited me and reported to me that he had received a large consignment of watches that he got from Germany, and also that they were brand new watches from Germany and were to be issued to the troops. As far as receiving watches from Jews who had been shot I don't know anything about that. In no case have I heard of watches belonging to Jews who had been shot.

Q The watches that you mention, then, went to supply for the German army, right ?

A This consignment of watches from Germany, yes.

Q But you mentioned the watches which belonged to the dead Jews which were put to death. That's the way I understood you.

A No, that I have not mentioned at all. The chief of army quartermaster reported to me about this consignment of

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German watches. That is the only thing I can remember with reference to watches. That he should have mentioned watches belonging to Jews who had been shot, I consider out of the question.

Q Very well. Have you been aware that in Nikolajev and Sinpronopol there were representatives of the special command ?

A No.

Q Are you aware of the fact that these facts were brought out here in court by the witness Ohlendorf ? Do you think that Ohlendorf testified falsely here when relating this fact ?

A I know Ohlendorf's testimony and I remember that he said that there had been shooting near Sinpronopol during which soldiers had participated. But, he also said that he didn't know for certain what it was. He thought they were followers of the Army. In any event, I never heard anything whilst I was in the Crimea area about soldiers participating in the shooting of Jews.

Q I would like you to answer this question. Do you call Ohlendorf's testimony false or do you consider it correct ?

A I assume that he made a mistake in that connection. To me, it is quite certain, so far as I am concerned, that units of my Army did not participate in the shooting of Jews. What he said about Army followers and what he means by that, I don't know.

Q He had in mind the troops of the 11th Army which you commanded. Also, don't you know that over 190,000 persons, the inhabitants of Kiev, were exterminated by the German Police, including over 100,000 people that were put to death in the suburbs of that area alone?

A I learned about Kiev fror a document submitted by the Russian prosecution.

Q But you were aware of this type of mass extermination?

A No, I did not know about this, and when this shooting took place it did not belong in my area.

Q Were you aware of the decree which came out in August, 1941 by the OKW, signed by Quartermaster Chief Wagner, forbidding the feeding of Soviet prisoners-of-war from the Army supplies? Did not this decree result in a mass death from hunger on the part of the Soviet prisoners-of-war ?

A At present I cannot recall that order. In August 1941, I was the General Commander of an Armored Corps at the front, therefore I could not receive that order. What is more, I cannot imagine that the order in that form was given because we, in our area, did supply food to the prisoners and I do not believe that in our area any prisoners died of hunger.

Q But you yourself admitted here yesterday that there was a tremendous mortality rate from hunger and exhaustion among the prisoners-of-war of Soviet Russia. You admitted so yourself here yesterday, didn't you ?

A What I said was that it didn't happen in my area, but I read it in the document. After the large battle in the area of Army Group Center, hundreds of thousands of troops were taken, and many had died from starvation because they were half-starved when they emerged from the mountains. And secondly, no Army was in a position to take over the feeding of 1/2 million men quite suddenly. That cannot be carried by an Army because if would naturally result in difficulties. In the first place, the physical condition of the Russian soldiers when they arrived would certainly have led to death in large numbers. This is in reference to the prisoners coming from the valley battles in my area.

Q It is not necessary, in answering my questions, to give such detailed replies. Would you kindly be briefer ? Were you aware of the operation called "Krimhilda" ?

A The code name "Krimhilda" for an operation is, at the moment, of no meaning to me. Perhaps you will be good enough

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to tell me what it is, and then perhaps I can recall what it was.

Q I will help you. This was an operation which was planned for the transportation of the German troops from Crimea to the Kuban and it was an original decree from Hitler which was sent to all headquarters and all rear quarters.

A That I did not understand. Do you mean the transfer of the Army from the Crimea to the Kuban or do you mean the retreat from the Crimea?

Q The transporting of the German forces from the Kuban to the Crimea.

A The retreat, you mean. With that I had nothing to do because that was the task of the Kleist Army and they handled that and that was out of my sphere of irfluence.

Q And where was your army at the time?

A At the southern border near Rostov.

Q This was an action with the troops in the southern sector of the front. You will now be shown a document which might help you to recall what was going on at the time, and I would like to draw your attention to one particular point in the Hitler decree referring to the transfer of troops.

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A Yes.

Q Do you remember that decree now?

A I must first of all look at it more closely.

Q If you please.

A I cannot tell you today whether or not I received the copy of that order; actually, it only refers to Army Group A, that is, the army group under Kleist. It is feasible that I did receive a copy but I cannot now today tell you about it; at any rate, I had nothing to do with the order.

Q This decree was sent to all headquarters. That was not the point. I would like you to find the second section of that decree which is entitled "Destructive Measures during the Evacuations;" and please look at point "G" of that section; quoting: "The enemy must take over completely useless and uninhabitable waste territory where mine detonations will occur afterwards." Have you read that place?

A Yes, I have.

Q I must ask you now: In your opinion of a decree of that kind, would you say that it was not motivated by entirely military considerations?

A Yes, in my opinion, this was done purely for military reasons; namely, because Hitler -- something which I know -- wanted to get as many of the forces in the Kuban free for other purposes simply because he wanted to use them in other places in the Eastern Front. For the defense of the Crimea he only wanted to leave a minimum of forces there and that was only feasible if a Russian attacking operation coming from the Kuban could, if possible, be suited for a lengthy period or at least made very difficult; thereupon, these orders for destruction were probably issued which in points A, B, C, D, E and F, do in fact only deal with objects which are of military importance; in other words roads, railroads, small railroads, and our production plants.

Q We have the decree before us, Mr. Witness, and you don't have to read it all out loud. I merely asked you to look at point G which talks not about railways and bridges and oilwells but talks generally about reducing the territory of the enemy to complete waste so it wouldn't be usable for the months to come. I am asking you as a soldier --since you call yourself one --- do you approve of a decree of that kind; do you, considering it was caused by entirely

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military considerations? That is what I want you to answer.

A Yes, but the order was only given for military reasons; that, I am convinced of and I am equally convinced that letter "G" means that land should be made completely useless for the military conduct of the war. I do not believe, therefore, that the purpose here was to lay waste the land in order to exterminate the population but the military reason was that the land should be rendered useless for the conducting of military operations; that, I do believe.

Q It states here clearly enough what was wanted. I also want to ask you whether you were aware that in May 1944, in Sontgoffen there was a special conference?

THE PRESIDENT: Are you passing from that document?

GENERAL ALEXANDROV: I am going to another question, my Lord.

THE PRESIDENT: I asked you if you were passing from the document.

GENERAL ALEXANDROV: That is right.

THE PRESIDENT: I think you should put to him paragraph "3-C".

GENERAL ALEXANDROV: I will.

BY GENERAL ALEXANDROV:

Q Please, witness, look at Section 3 of the decree, Point C. I shall read it into the record: "The ruthless conscription of the civilian population uninfluenced by any false softness for this task, with speedy commencement of work and incorporation into construction battalions, including female construction battalions, must be secured." Do you consider that this also was brought about by purely military considerations? This method of utilization of the civilian population, specifically the female population, do you consider that necessary?

A Whether it was necessary from the military standpoint, that is without a doubt, as far as I am concerned. Whether or not it was nice from a human point of view, that is another question; but I am of the point of view that the use of the civilian population, including the women, was something we had learned from the

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Soviet Armies because they did just that to the very largest possible degree. The creation of anti-tank ditches many kilometers long wouldn't have been possible in so short a period anyway.

BY THE PRESIDENT:

Q. Witness, is it your contention that it is in accordance with the laws of war to turn the females of a country into a construction battalion for the purposes of your army?

A. Whether that is in accordance with the laws of war of 1939, that is not at the moment quite clear to me; that in this war international law was further developed altogether and probably exceeded in many cases, that is an ascertained fact that the use of labor was one of the privileges of an occupying power; that I should like to say is the case even in the case of female labor.

BY GENERAL ALEXANDROV:

Q. You have just stated here that the Red Army widely used the civilian population for constructing various decense constructions. I want to explain to you that the whole Soviet people, including the Soviet women of course, participated in all possible actions against the Germans; but give me an illustration, just one illustration where the Soviet Army utilized German women for purposes of the kind.

A. From wartime, I cannot give you an instance, because after all -----

Q. For there weren't any such decrees of the Soviet Army but this decree by Hitler talks of utilizing Soviet women not German women -- Soviet women. All right, now we will go to another question. Have you been aware of the fact that in May 1944 there was a special conference on the part of the generals of the German army about National Socialistic education of the army units?

A. In May 1944 I was no longer in the service so, therefore, I could not have heard anything about this conference.

Q. And you have never heard about the conference?

A. Of that conference I didn't hear, no.

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Q. I want to remind you about one fact in connection with that conference. You might have heard about it. At that conference the defendant Keitel, among others, stated that "officers who express any doubt in victory or who criticize the Fuehrer, I shall shoot".

THE PRESIDENT: The witness says he knows nothing about it. Is this a new document you have or not? Is it some new document?

GENERAL ALEXANDROV: No, no. We do have another document, a document with regard to which I find it necessary to ask the witness this question but we are not submitting this document right now because we only just now received it and we do not think it has been translated. I have in mind the affidavits of General Mueller of the German army, who informed us of these facts in his affidavits. If the Tribunal demands, at the end of this evening's session this document will be supplied at that time or at the latest tomorrow morning.

THE PRESIDENT: Yes, all I mean is this: If you aren't putting in the document and the witness says he wasn't at the conference and never heard of the conference, I don't think you can put to him what was stated at the conference in order to get that in evidence.

GENERAL ALEXANDROV: I have understood you, Mr. President. In that case I will ask another question.

BY GENERAL ALEXANDROV:

Q. Mr. Witness, are you aware that the command of the German navy, already in October 1939, suggested the invasion of Norway; have you been aware of that?

A. No. About that I knew nothing. Of the entire Norwegian affair, I learned as late as when it had become a fact and now, of course; that is to say, from the Indictment, I heard more detailed facts about that but I didn't hear anything earlier.

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Q What do you know about an operation coded plan "Jolka"?

A I did not understand the code name.

Q I will repeat it. "Jolka" - means "Christmas Tree" in English translation, or "Tannenbaum" in German.

A Oh, Christmas tree? That does not mean anything to me.

Q I shall point out a few details relating to the plan. In July 1940, after the truce and armistice, the Chief of the German General Staff visited von Leeb on the Vistula. General Halder told von Leeb to prepare a plan for the capture of Switzerland. Taking into consideration the fact that the Swiss would resist, the plan was given the code name "Jolka", and it was prepared and submitted to the OKA, the OKW for action. Do you remember that now?

A I was a Commanding General, and in the summer I went to the Channel Coast, and I heard nothing about the plan.

Q You frequently emphasized here in your answers that the war against the Soviet Union was a " special war", and that you, as other German Generals, acted only as soldiers, and that the so-called "Ideological" warfare was headed by Hitler and his colleagues. My American colleague reminded you yesterday about your own Decree in which you suggested the annihilation of the Soviet political system and other basic enterprises in other occupied territories. You also said you were aware of the decree of Field Marshal Reichenau about the conduct of the troops required in the East. In your opinion, was the issuance of such decrees conducted by considerations of military and socialistic duty, or other considerations?

A It was certainly only because of military sense of duty that they were issued. In connection with this, these were appearing in every newspaper. These other things certainly did not originate from us. We, with our soldiers, conducted the war in a military manner.

Q Did you not think that the issuance of such decrees

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was conducted by the fact that such decrees were brought up not by German soldier tradition, but the Hitler kind?

A That is not quite understood. May I have you give me the sense of the question?

Q Did you not think that the issuance of such decrees, political decrees really, as the one issued by you, and by [illegible] Reichenau, did you not think that such decrees were brought about as a result of the fact that the authors were not Generals brought up on the soldier tradition, but Generals brought up on Hitlerian tradition?

A As far as I am concerned, I can only speak about my own personal orders. That I personally have been only a soldier, that I think every one of my subordinates and my superiors will testify to. I have not been a political general, nor am I, shall we say, the National Socialist General which you mean. I have never been that. The order was caused due to the grave danger of the partisans, and to make it clear to our soldiers that they could not afford to be so careless, and it stated the fact that the fight on both sides was a fight of two idealolgies. The order is such that it had two different parts. Part one, which deals with the necessity of resisting the attack, and which was to alert the soldiers. That is the order which contains the thoughts about the meaning of this fight. If it speaks of the extermination of a system, we mean the political system, not human beings. It is exactly the same as the extermination of the Nationalistic and Socialistic, which is being carried out by the other parties now. The second part contains what must be done. In the second part, it is clearly stated that the soldier would have to avoid any brutal action, and steps are to be taken against any violation of the soldierly honor. This is evident in the fact that I have conducted the fight as a soldier, and not as politician.

Q That you were during the War, as that shown by your decree, I am sure the Tribunal will be able to judge the decree and you correctly. My last question. Have you been aware of

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the enterprises which the Supreme Command initiated for the purpose of conducting biological warfare?

A Did you say biologi l? Biological warfare? At this moment I do not know what the expression "biological warfare" should mean, and I should beg you therefore to tell me.

Q Application and utilization of various types of bacteria for warfare. That is what I mean, by "biological warfare

A No. I know nothing about that. I have never heard of a war of bacteria or poisoning.

Q You will now be shown several details concerning the plan for biological warfare and then you might recollect some things concerning the plan. I am submitting to the Tribunal, document USSR-510, which consists of the affidavit of Major General of the Medical Corps of the Russian Army, Walter Schreiber. I am reading it into the record.

"In connection with the trial of the Major war criminals in Nurnberg, I, as professor of hygiene and bacteriology of the Military Medical Academy in Berlin and former Major-General, medical corps of the German Army, consider it my duty to our people, who have undergone such severe trials, and to the whole world to disclose one more page of Germany's preparation for war which has not been touched upon in Nurnberg. Together with the former political and military leadership of Germany a large part of the guilt is born by the German scientists and first of all by German doctors. Had that type of weapon which was being prepared been used, it would have meant putting to a shameful and evil use the great discoveries of Robert Koch.

THE PRESIDENT: Dr. Laternser, counsel for the defense, would like to say something.

DR. LATERNSER: I should like to raise an objection. By merely looking through the document, I discovered that the author of these lines is raising particularly serious accusations. I cannot discover in which direction these accusations are being raised, but I should like to state that the author of this document should appear as a witness so I can cross-examine him.

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THE PRESIDENT: Where is he?

GENERAL ALEXANDROV: I can find that out and I can report on it. The former Major General Walter Schreiber is now in the Soviet Union as a Prisoner of War. If the Tribunal thinks it necessary to have Walter Schreiber testify here as a witness, in connection with the request of the defense, the prosecution will not object.

DR. LATERNSER: It is my opinion that for such a serious statement, he should be here.

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THE PRESIDENT: General Alexandrov, could you inform the Tribunal how long it would take to get this witness, Walter Schreiber, brought here for the purpose of cross-examination ?

GENERAL ALEXANDROV: We shall take all measures to get the witness here in the minimum possible time, but I cannot guarantee or state the number of days, since the distance is rather great. I would like the tribunal to take into consideration the great distance, however, I do request, regardless of the fact whether the witness is brought here or not, the permission of the Tribunal to have this Document presented in the cross examination.

DR. LATERNSER: I beg to be allowed to define my attitude to that.

THE PRESIDENT: Dr. Laternser, you can make your objections if you wish to do so now and the Tribunal will consider the Document when they adjourn. We don't propose to allow the Document to be presented now at this moment. We will consider the matter when we adjourn.

DR. LATERNSER: I merely wish to say that I beg the Tribunal to decide that the Document not be read unless I can have Walter Schreiber as a witness here.

THE PRESIDENT: Your application is that the Document should not be admitted unless the witness is brought here for further examination ?

DR. LATERNSER: I should like to go even further, Mr. President, and apply that the reading of the Document should not be permitted unless the witness is brought here, so that the witness himself can say before the Tribunal what he certified to in the Document.

GENERAL ALEXANDROV: Permit me. Mr. President, to object to the statements of the defense. It seems to me that the affidavit of Walter Schreiber should have its place here and be used during the present cross-examination as it does not have any direct relationship as to whether Walter Schreiber will or will not appear here as a witness. His affidavit is certified by the Extraordinary State Commission, which is the Plenipotentiary of the Soviet Government. It seems to me that regardless of what the Tribunal may decide about calling Walter Schreiber here, that the Document

which is submitted here as U.S.S.R. 510 should be accepted here for the purposes of my cross-examining this witness.

THE PRESIDENT: No, General Alexandrov, the Tribunal has said that they will not admit the Document here at this stage. We propose to adjourn at 11:30 and will then consider the application. I observe that the application was made in April of 1946.

GENERAL ALEXANDROV: The matter of bringing the witness here has not been considered up to now, but if the Tribunal commands me not to use the Document, I will not be able to ask the witness the question which arises out of the affidavit of Walter Schreiber.

THE PRESIDENT: Then you may ask him the question after the Tribunal has decided on the admissability of the Document, if it is decided to admit the Document. You can ask him the question then, but he has already said he knows nothing of biological warfare.

GENERAL ALEXANDROV: He does not know the facts which appear in the affidavit of Dr. Schreiber. Until that is decided, I have no further questions, Mr. President.

THE PRESIDENT: Is there any further cross-examination ?

RE-EXAMINATION

BY DR. LATERNSER:

Q. Fieldmarshall, regarding the order, or supposed order, coming from Quarter Master General Wagner, about which the question was put to you, namely, that prisoners should not be fed from supplies belonging to the armed forces. I would like to ask if Colonel General Halder, in particular, on the occasion of his visit to the front at Orcha had in fact ordered that the food supplies of the troops should be shortened in order to make it possible to feed the prisoners of war ?

A. This fact is not known to me because the conference did not take place in my headquarters. I know in the case of my army in the winter of 1941 and 1942 in the Krimea I had to reduce the rations because of the shortage of railroad transportation and also because we did not wish to strip the country of all food reserves in the interests of the population.

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As far as I can recollect, at that time, we had to reduce the rations and I expressedly prohibited that the last car, which the farmers had owned on his own property should be taken away from him, even though the army needed the wheat. I also remember that when the food situation became critical during that winter, we sent supplies down to them, although there was a shortage of transport space. At the same time hundreds, in fact thousands of forces, belonging to the army went wheatless because we did not have the whe for them.

Q. The Russian Prosecution has submitted Document USSR 155. By whom is that ordered ?

A. I don't know which one you mean.

Q. I refer to Document USSR 115

A. I am afraid I do not have the number.

THE PRESIDENT: We need not waste time on that now.

BY DR. LATERNSER:

Q. I merely want to ask by whom it is signed.

A. It is signed by Adolf Hitler.

Q. Yes, that is it. You have also been questioned with regard to Paragraph 2-g in this same document. "The enemy must take over completely useless, uninhabitable, waste territory where mine detonations will occur for months hence." Do you know, Feld Marshall, if that was carried out in that way ?

A. That I cannot say, because I was not there, it was out of my area

Q. We are here concerned with 1943, were explosives and mines available to the troops at that time ?

A. Yes, certainly we had mines and explosives, but not to any great extent as they were certainly very short at that time. In fact, we never had enough mines to lay field mines ahead of our positions,

Q. Then, the Russian Prosecutor went on to ask you with reference to Paragraph 3-c, of that document, that is :"The ruthless conscription of the civilian population -uninfluenced by any false softness - for this task, their speedy commencment of work and incorporation into construction, battalions (including female construction battalions) must be secured".

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You did not answer the question of the Russian Prosecutor, namely whether you knew that someone had introduced similar measures with reference to German women ? Did you know anything of the ruthless exploitation of Russian labor ?

A. It was not known to me that that happened during the war, but women were used and they were even used to look for insects amongst potatoes. That happened in East Prussia in 1944. I cannot say from my own personal observation as I was not there, but certainly the civilian population had nothing much to laugh about.

Q. The American Prosecution has submitted to you Document 459-PS. Will you please have a look at Figure 6 ? Are we here concerned with an instruction or an order ?

A. That is a directive, but not an order.

Q. That the measures should be enforced, as this order says, there was need for the commanding officer to pass the order on to the security police. Do you know how it was passed, on these orders ?

A. No, I cannot remember any such order that might refer to that, or whic might be issued on the strength of it.

Q. Now, we come to Document 447. I have one question regarding that. Please look at Page two and look at 2-b. Do you know if the Reichsfuehrer SS was given special tasks in the operations zone and secondly, that he was acting independantly and on his won authority ?

A. Yes, that is clearly defined in that order.

Q. Then, that would mean that the special action group, the Einsatzgruppen technically speaking would not come under the supreme command of the army ?

A. No, technically, they might come under the local commander and be used in the fight against the partisans, but quite expressedly they were used in the battle zone at the front, but insofar as the supreme command was concerned, they certainly did not come under him.

Q. The Document R-102 was submitted to you -- that is a secret Reichs matter. What does that mean ?

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A. A secret Reichs matter, in my opinion, signifies an order or instructions, which only goes to the highest forces in the Reich or certain personn and it was not allowed to be generally known.

Q. Would this document have been sent to all departments of the army ?

A. No, it would have to be noted on the end and it is not.

Q. So you cannot find out if this document went to all departments of the army?

A. No, that cannot be and it quite certainly did not go to the Service Department of the army because such a report was never received.

Q. During your examination last Saturday, you said that you, because of your own convictions, and the other field commanders, would have taken steps against mass shootings had they been reported to you ?

A. Yes, naturally.

Q. Is it known to you that Field Marshall Van Kuechler, during the Polish campaign, when the shooting of Jews became known to him, used every means at his disposal to prevent this ?

A. That I only learned in Nurnberg. I did not know of the shootings at the time.

Q. Is it known to you that the German National Fuergermeister of Marinka had to be sentenced by court martial because of his persecution of the Jews ?

A. I cannot recollect it. If it had happened in my area, it would have been known to me.

Q. Was it known to you that General von Knobelsdorf had ordered an SS leader to be arrested when he wanted to order shootings ?

A. That I learned afterwards, I did not hear of it during the war.

Q. Do you know of any other cases where the Supreme Commanders took such steps against particularly outstanding perpretrators of war-fare action ?

A. I know that Colonel General Blaskowitz, who succeeded Field Marshal von Runstedt as supreme commander in the East, that is in occupied Poland, objected and that there was some sort of a riot about that, whereupon he was relieved .

H0203-0022

Q. Now, I come to the last point, regarding the subordination of the Einsatzgruppen. The American Prosecution has referred to Affidaivt 12 of Schellenberg, USA Exhibit 557. You don't consider that affidavit correct, I believe, because the practise did not correspond to the order, is that correct ?

H0203 – 0023

A Do you mean the one where Schellenberg speaks about the agreement with the Quartermaster General?

Q Yes, I mean that one.

A The subordination referred to in that affidavit did no means happen like that in practice, and I cannot imagine either that that was the type of agreement reached, because according to our convictions, as I have said, there was either the question of tactical subordination or the matter of supplies, accommodations, and so forth and so on. There were those two types of subordination. In thecase of a battle, then there was a third possibility regarding discipline, training, and so forth, and that simply did not take place in that manner.

Q I shall now show you the affidavit which I propose to introduce in evidence presently, from Judge General Mantel, who, fortunately, had discussed just that point with General Wagner. Following that, I should like to ask you whetherthe contents of the affidavit would correspond with the practice.

He states:

"Shortly before the beginning of the Russian campaign, I arrived at the headquarters of the OKH and participated in a conference with Quartermaster General Wagner was having with the Supreme Quartermasters attached to the army in the East. Among other things, Einsatzgruppen were discussed on that occasion, and the Einsatz Commandos, the SD and the operational zone of the army, and it was clearly stated that instructions for the activities would be received exclusively from the Reichsfuehrer SS, and that the command authorities of the army from the point of view of discipline and service had no jurisdiction over them, but that equally speaking, they could be attached to those."

I now want to ask you: Did the practice show that Einsatz Groups and their subordinations corresponded to the contents of that affidavit?

A Yes. Quite definitely the practice confirms the contents of that affidavit, and even Ohlendorf's statement confirms that these orders referring to Einsatz Groups at Nikolajew were given to them only orally, directly, and that army command sources had not heard of them.

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This also becomes apparent from the following fact which I have heard here in Nurnberg. At the time Himmler had been to Nikolajev where the Army Supreme Command was situated, at that time under the command of General von Schobert. At that time he avoided visiting the Army Supreme Command, although he was well acquainted with Herr von Schobert. That shows that intentionally he refrained from mentioning his plans.

DR. LATERNSER: Thank you so much.

I have no further questions to the witness.

THE PRESIDENT: The Tribunal will adjourn.

(A recess was taken).

HO203 - 0025

THE PRESIDENT: Mr. Dodd, the Tribunal would like to hear the submissior of the Prosecution with reference to Dr. Sauter's application.

MR. DODD: I have the following statement to make to the Tribunal. I understand that the application asks for the striking of the Pohl affidavit and the permission that Funk again take the stand. I should like to oppose the application to strike the Pohl Affidavit. It seems to us that it is highly material in this case and if anything, although I doubt very much that even the necessity for recalling or calling Pohl for cross-examination is necessary but if anything is necessary that might be it. The defendant funk, it seems to us, has had a rather full opportunity when he was on the stand. I asked him when he started to do business with the SS, if the Tribunal will recall, and I think I went rather fully into all possible phases at that time of relationships between the defendant Funk and the SS and there was a denial on the part of the defendant Funk. Furthermore, he will have an opportunity, I assume, in the last statement, to say something, if the Tribunal saw fit to permit it, with respect to anything new that might have arisen out of the Pohl Affidavit.

THE PRESIDENT: Yes, but the Pohl Affidaivt is entirely new, is it not

MR. DODD: Well Sir, it is new, but it really covers only one new matter and that is the matter of the textile business that we alleged went on between the SS and the Reichsbank and the Defendant Funk. The matter of the Jewelry and all the other things I think were gone into.

THE PRESIDENT: I did not mean that it dealt with entirely new subject matter but it is the evidence of a new witness upon that subject matter.

MR. DODD: Yes, yes, it is.

THE PRESIDENT: And as to that, the defendant Funk has not had an opportunity to deny it upon oath, it may be that the Tribunal will think it right to grant him that opportunity. There are two quite distinct questions, first of all, as to whether Pohl's affidavit should be struck out, and secondly whether Funk should be called.

MR. DODD: Well I certainly do not feel that the Pohl Affidavit should be struck out because it seems to us to be material, highly material.

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As the Tribunal will recall, there was considerably controversy about this relationship which we claimed between Funk and the SS. We called another witness, Puhl, and still another witness who was his subordinate, and I would assume that counsel would prefer to cross-examine Pohl. We are perfectly happy to have him do that; and then at a later date, if Funk has an opportunity, as I am sure he will, to make his statement, he could make his denial. I don't know what more he could say except that it isn't so and I thought he had said that rather fully when, he was on the stand and rather fully denied that he had really any relationship with Himmler or with the SS. I am also fearful, Mr. President, that if the Court permits this procedure in this case, there may have been some other instances where other defendants will want to be heard fully and the thing will go on with sur-rebuttal and I am afraid it will take much of the Tribunal's time.

THE PRESIDENT: Dr. Sauter, we have heard you fully upon the subject already.

DR. SAUTER: Mr. President, may I point out one fact ? This witness Pohl, arrived at the Nurnberg Prison on the 1st of June and was questioned for the affidavit on the 15th .....

THE PRESIDENT: Dr. Sauter, you have expressed yourself that you do not want to cross-examine him. What is the relevance of the fact that he arrived here at a certain time if you don't want to cross-examine him ?

DR. SAUTER: Mr. President, my point of view is that on principle it cannot be permitted for the prosecution to present further evidence against a defendant whose case is closed. The Witness Pohl arrived on the 1st of June and on the 15th of July, six weeks later, he was examined for the affidavit. That was the same day on which I made my final plea for the defendant Funk and again, several weeks later, the affidavit was submitted. I do not believe that this corresponds to the demands of justice, that after a case is completely closed the prosecution submits further evidence against a defendant, without the defendant having an opportunity to comment on it on the witness-stand. In the Pohl Affidavit completely new facts are alleged. For example, Pohl, says that at a dinner in the presence of ten or twelve

persons, this gold tooth question was discussed. That is something entirely new and of course completely improbable and that is why I ask, Mr. President, that you permit us to have the defendant Funk examined on this point on the witness stand.

THE PRESIDENT: You must understand that it is a matter for the discretion of the Tribunal at what time they will end the evidence and it is necessary that the evidence should be ended at some time. The Tribunal has heard fully what you have had to say and they will now consider the matte

DR. SAUTER: Thank you.

THE PRESIDENT: With reference to the application by Dr. Sauter, the affidavit by Pohl, will not be struck out. It will remain upon the record. But in view of the particular circumstances of this case, the defendant Funk may be recalled to give evidence upon the subject and he will be recalled after the evidence has been given on behalf of the Organizations.

With reference to the objection of Dr. Laternser to the use of the statement made by Major General Walter Schreiber, the Tribunal is not inclined to admit any evidence so late as this, or to reopen questions which have been gone into fully before the Tribunal; but on the other hand in view of the importance of the statement of Major General Schreiber, and its particular relevance not only to the case of certain of the individual defendants but also to the case of the High Command, the Tribunal will allow General Schreiber to be heard as a witness if he is produced before the end of the hearing of the case. Other wise no use can be made of this statement.

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With reference to the time within which General Schreiber must be brought here if he is to be heard as a witness, the Tribunal thinks that it will be proper to order that he might be heard as a witness if he is brought here at any time before the final speeches with reference to the organizations are concluded. And, of course, counsel for the organization would have an opportunity of commenting upon any evidence which General Schreiber might give. That is all.

The witness may retire.

****

Dr. Laternser, will you call your other witness?

DR. LATERNSER: With the approval of the Tribunal, I call as my last witness Field Marshal von Runstedt.

****

GERT VON RUNSTEDT, a witness, took the stand and testified as follows:

BY THE PRESIDENT:

Q Will you state your full name please?

A Gert von Runstedt.

Q Will yourepeat this oath after me:

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath).

THE PRESIDENT: You may sit down.

DIRECT EXAMINATION

BY DR. LATERNSER:

Q Field Marshal, you are the oldest officer of the former German Army. What was your last position?

A I was a soldier for over fifty-four years. My last position was Commander-in-Chief West, until the 9th of March, 1945.

Q During what period of time were you Commander-in-Chief in Berlin?

A From the first of October, 1932, until the 31st of October, 1938.

Q What was the attitude of the military leaders to domestic and foreign politics?

H0203-0029

A We generals did not concern ourselves with politics. We did not take part in any political discussions, and we did not hold any political discussions among ourselves.

I should like to quote the famous English Field Marshal Montgomery, who said, "As a servant of the nation, the Army is above all politics, and that must remain so."

Q Did the Reichswehr, in 1933, help Hitler into power?

A No.

Q What was the attitude of the generals toward the Party and its methods?

A The generals either rejected the Party or were indifferent. As for the methods regarding the Jewish question, they absolutely rejected them, particularly because many comrades were severely affected by the Aryan laws.

The so-called "Master Race" is nonsense. Germany is a mixture of races, partly Slavic and mixed races.

We also rejected the attitude on the church question, and we retained a chaplain in the Army up to the end.

Q Was this attitude also true of the younger generals who, during the course of the war, came into positions falling under the Indictment?

A As far as my own friends are concerned, absolutely.

Q Did you, as the senior officer in 1934, have an opportunity to do anything in regard to the punishment of the murderers of Schleicher?

A No. Reich President von Hindenburg was still at the head of the State. In the second place, I was not the senior officer. We had a commander chief of the army and a minister of war, whose duty that would have been.

Q Did the troop manouvers, on the trips of the General Staff after 1935, indicate any intention or plan for wars of aggression?

A No, in no way. The big manouvers on the General Staff or Fuehrer trips always dealt with war in our own country.

Q Did you, as Commander-in-Chief resident in Berlin, have anything to do with the declaration of Wehr Hoheit (Armed Sovereignty)?

A No.

Q Did you know Colonel General von Fritsch well?

A Very well; he was my subordinate for a time.

Q As his representative, after 1937, did he tell you of Hitler's intent

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to wage wars of aggression?

A No, he could not do so because there is such a thing as an official secret.

Q You were his representative when, in the winter of 1937-1938 he went on leave to Egypt. On that occasion did he tell you of Hitler's intention, contained in the minutes of the meeting of the 5th of November 1937?

A I represented Colonel General von Fritsch; his official representative was Chief of the General Staff Beck. At that time General von Fritsch did not give me or General-oberst Beck any information.

Q What were the results of the measures of Hitler on the 4th of February, 1938, in the military field?

A Hitler had eliminated the Minister of War as intermediary between himself and the Wehrmacht; thus, he now had command over all three branches of the Wehrmacht. He took advantage of the opportunity to dismiss higher military leaders whom he did not like.

Q In February of 1938 you had a private conference with Hitler. What did he tell you about the attitude of the German generals?

A He complained about the supreme military leaders. He alone was the one who forced rearmament through. The supreme leaders had always said itwas going too fast. In the occupation of the Rhineland, he charged the leaders with a certain cowardice when they asked for withdrawal of the troops behind the Rhine because France was not taking up a threatening attitude.

Q In this talk was the accession of Fritsch discussed?

A Yes. At first, Hitler suggested Professor General von Reichenau. I refused him, in the name of the Army. He then suggested General von Brauchitsch, whose appointment I approved in the name of the Army.

Q When did you, as Commander-in-Chief in Berlin, learn of the planned march into Austria?

A I suddenly had to represent vonBrauchitsch in Breslau, at a celebration, and it was onlythere that I learned of the actual occupation of Austria.

Q How were the commanders-in-chief informed of intentions?

H0203-0031

A We were told of the intentions of the Supreme Command by our Commander-in-Chief, von Brauchitsch, but he was only allowed to tell us what concerned us.

DR. LATERNSER: Mr. President, I should now like to examine the witness on affidavits 3 and 5 of Field Marshal von Blomberg and Colonel General von Blaskowitz. They are USA 536 and 537, and they are in the first document books of the prosecution.

I should like to call the attention of the Court to the fact that these affidavits in the paragraphs in question agree, word for word, although they were made on various days by different persons.

BY DR. LATERNSER:

Q Field Marshal, in two affidavits by Field Marshal von Blomberg and Colonel General von Blaskowitz, they say that the group of German staff officers considered the solution of the Polish question by war necessary, which was the reason for secret armament. Is this true?

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A In the first place, there never was a group of German staff officers.

Q What is meant by staff officers?

A A staff officer is an officer in a rank of major, lieutenant colonel, and colonel. Then come the generals.

Q Please continue.

A If the statement of Blomberg means that a war of aggression on our part against Poland was indispensable, that is not true. On the other hand, if he means that we had to expect an attack from Poland at any time, I can say that in the first years after the World War, I counted on this possibility. That is the reason for the border protection and fortifications on the eastern border of the Reich against Poland. But as I said, no sensible person thought of a war of aggression. We were in no position for such a war.

Q General von Blaskowitz then, at the end of this affidavit No. 5, USA Exhibit 537, says that the front commanders in chief were the actual supervisors in the OKW, and as an example gives the battle of Kudno. Is this true?

A This is not true. The commanders in chief never played a supervisor role. Only our commander in chief of the army was the one who had to give advice to the supreme authorities. As for the battle of Kudno, advice to Hitler was absolute nonsense. The orders for the battle of Kudno I gave as commander in chief of army group west according to the instructions which I had from General von Brauchitsch and General von Blaskowitz only had to obey orders and could not have given any advice to Hitler. That must be a mistake.

Q What impression did the discussion on the 22nd of August, 1939, make on you -- the conference at the Obersalzberg?

A When we left the conference we were of the opinion that this undertaking would end just like the so-called Sudeten war in 1938. That is primarily because Russia was on our side. When on the 26th of August suddenly the movement was stopped, and on the first of September was to begin again, we said, "Aha, that is a bluff, just like in 1938." We did not take the decision for war seriously.

Q Up to the conference of the 22nd of August did you talk to other commanders? Did you exchange ideas on the impressions created by this

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discussion?

A I remember with certainty I talked to General Fieldmarshal von Bock about it. I left the Obersalzberg very quickly. I talked to von Mannstein and later with my staff and exchanged the same opinion which I have just mentioned.

Q Did you have knowledge of the attack on the Gleiwitz radio station?

A No.

Q In what way did you learn of the intention of occupying Denmark and Norway?

A I learned of the accomplished fact through official channels.

Q How about the entry into Yugoslavia and Greece?

A It was the same.

Q You participated in the conference in March, 1941, when Hitler spoke of the necessity of attacking the Soviet Union?

A Yes.

Q What was told you about Soviet deployment?

A Up to the time I had been in France, and of the ostensible preparations for the Russians I had no knowledge whatever. At the conference, to our surprise, we were told that the Russians were very strongly armed, were preparing to attack us. If I am not mistaken, information from the Japanese military attache was referred to, and a map of the Russian distribution of forces on the borders of Poland was shown to us, so that we had to assume that these facts were true.

Q Was this impression confirmed after the entry?

A Yes. The resistance at the border was not too great. It became stronger more and more in the interior. Very strong tank forces of a better type far superior to ours appeared and an enormous number of airfield troops. Newly built roads were found and maps were also found, showing German territory such as Silesia, so that we had the impression that Hitler must have been right.

Q At the conference in March, 1941, Hitler announced the Commissar order. What was your attitude toward this order?

A Our attitude was unanimously against it. Immediately after the

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conference we approached Brauchitsch and said that this was impossible. Our commanders in chief of the armies were of the same opinion. The order was simply not carried out, and as I learned later, the order was later rescinded. General von Brauchitsch, to make this order more or less inactive, issued a very strict order on the correct conduct of German soldiers in the coming war. He issued this order to the troops. I know of no case in which this order was used in any way.

Q At this conference was the intention announced to remove the Jewish population in the East?

A No. Hitler would never have expressed such intentions to officers.

Q According to the Russian Prosecution, in November 1941, in Kiev 33,000 Jews are said to have been shot. Where was the army of Army Group West in November, 1941?

A My army was from Rostov over Stalino on the Doenitz to the district east of Kharkov. The limits of the army district was east of Kiev and along the Dnieper. Beyond that was civilian administration.

Q Then Kiev was not in the operation area of an army under your command?

A No.

Q Did the commanders in chief of army groups and armies in the east have any powers outside of this district?

A No.

Q Was the operational area kept as small or as large as possible?

A The operational area of the army was kept as small as possible, in the first place, so that the army would have as little to do with affairs in the rear, and also so that the civilian district of the Ukraine would be as large as possible and would be removed from the influence of the army.

Q And now for the commando order. What was your attitude toward the commando order?

A We military commanders were absolutely opposed to the commando order, and in oral discussions with our staff made it ineffective.

Q As commander in chief, was a single case reported to you in which the order was applied?

H0203-0035

A Not a single case was reported to me, and my chief-of-staff, whom I asked about it here in Nuremberg, also knew of no case. I must assume that this commando order had not been in effect on the enemy, for I know of no case in which any commando undertaking took place aside from the island of Sar but where we took no prisoners.

Q What side committed offenses?

A The side which had undertaken the commando operation.

Q Now, the invasion came, or it was expected. Document 531 PS shows that you wished to have the Commando Order rescinded. For what reason?

A In the invasion, strong air landings far behind the front, perhaps as far as Paris, had to be expected. The distinction between commando troops would not have been possible. In addition, it was a good opportunity finally to remove this order, all the more, since the majority of the new division did not have it.

Q You said when you asked to have it rescinded that the order had been obeyed up to that time. How about that?

A I had to express it in that way. I had evaded the order. I could not say, "I have not carried out the Commando Order." It was an excuse whic had to be made.

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Q I would like to ask a few questions about the struggle against the resistance movement in France. What agencies were responsible for peace and order in the occupied territories in France?

A For peace and order in occupied France, the military commander was responsible. South France had a special general who worked closely with Petain. The resistance movement in southern France became stronger and it became a great threat for the troops fighting on the Mediterranean. In the winter of 1943 and 1944, the Commander-in-Chief was made responsible for the southern part of France. Thereupon I appointed a special general in Lyons. He was under the command of the Army Group Gustav at Toulon. He was responsible for creating order in the South of France.

Q Was the French Government and the French population warned?

A The French Government was repeatedly warned to oppose this movement with all its strength. The warnings to the French People were alway submitted to the French Government for examination, first. When the invasion threatened, I, personally, asked the old gentleman to speak himself on the radio to warn his people not to do such things in his own interests. He promised to do so. Whether he did, I do not know.

Q Were these warnings observed?

A Unfortunately, no. Finally the French Police, whom we had armed better to combat the movement, even went over to the enemy, that is to the revolutionists.

Q Then, did the Germans fight against them?

A As far as we could. For example, full bombs were never destroyed from the air. Single planes were sent against single places of resistance. Mass uses of artillery, tanks, did not take place. The excesses such as at Oradur, we regretted greatly. At that time, I immediately demanded a report since I could not order a judicial investigation. I reported this unfortunate occurence to the Commander-in-Chief of the Wehrmacht.

Q Why could you not order a judicial investigation?

A The troop units of the SS were subordinate only to Himmler. I had no disciplinary power nor judicial power over them. I could not give them leaves or issue awards. I was responsible only for the technical employment of these divisions, much as I might use an Italian, Hungarian or Slovakian

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Division.

Q Was the legality of the resistance movement recognized?

A General Eisenhower and De Gaulle declared it by radio. We inquired of the High Commander of the Wehrmacht as to their attitude. Only after the allied troops had landed on the Mediterranean coast was it recognized.

Q What is your attitude toward illegal warfare?

A My point of view is the following from understandable patriotic feeling: Behind the front of the enemy army, unregulated war is started which brings great misery on the population of the country in question. No army in the world can, in the long run, permit such a thing. In the interest of its own security and possibility of existence, it must take sharp energetic measures. My comrades and I sharply condemn that. We did not like to see the attempted German Weirwolf movement. If it had been carried out, it would have brought enormous misery on our Fatherland, unjustly. I would consider it good fortune for humanity if through international agreement for the future, such illegal wars were made impossible. That is my point of view.

Q What measure did you introduce to relieve the position of the French population during the war?

A I can speak only briefly on that point. I cannot give many detail Marshal Petain, with whom I had a very confidential relationship, did everything to help. I asked Hitler what position France was to have in the future Europe. I tried to create a new army form. Unfortunately it did not become more than a regiment. The French railroad men who were in charge of all our transports, I introduced measure to give them more food and I tried to get back their relatives who were prisoners of war. This was just after the Dieppe undertaking. It was approved. We did what we could to supply the city of Paris with coal and food, and a transportation situation which was almost unbearably poor for us Germans, militarily. Those are the main points.

Q I should like to ask one other question: In the last few days, a witness said that from 1944 on, the concentration camps were manned by soldiers from all branches of the Wehrmacht. How do you explain this?

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A I know nothing about that. Himmler was Commander-in-Chief of the Replacement Army. He could issue such an order. If he did issue it, my feeling is that he wanted to charge the Army with all these incidents.

Q Now I would like to ask you a few questions about the Ardennes offensive. Before or during this offence, was an order issued to shoot prisoners?

A Such an order was not given by Hitler. On thecontrary, he considered it important to take as many prisoners as possible in the offensive. A subordinate military office is said to have issued such an order. I consider that impossible. That is contrary to our ideas.

Q Did you not oppose this offensive?

A I opposed the offensive for the following reasons: The operational ideas can almost be called a stroke of genius, but absolutely all conditions for the possible success of an offensive were lacking. Field Marshal Model and I suggested attacking the American troops east of Aachen from several sides. Then one could think over what to do next. These suggestions were not listened toby anyone. We had inadequate forces on the ground and in the air. It was thought we could only fail.

Q Did you oppose Hitler on other occasions also?

A Not Hitler personally, because I had no opportunity to do so; but to his staff I repeatedly objected to measures ordered from above, especially in the case of the Normandy invasion and the Ardennes offensive after it failed and operations in Holland. All of these undertakings were in vain.

Q When did you consider the war lost?

A In my opinion the war could not be won after Stalingrad. I considered the war lost after the Allies succeeded in establishing a strong beachhead on French soil. Then it was finished.

Q Did you or other Commandors-in-Chief attempt to stop the continuation of this war?

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A General Field Marshal Rommel and I attempted twice to persuade Hitler to change the conduct of the war or to put an end to it, especially for a change in the evacuation, a withdrawl on the front to the German border; and as could not otherwise be expected, these suggestions were not listened to.

Q If Hitler refused to listen to such advice, did you not consider bringing about a violent overthrow?

A I would never have entertained such thoughts. That would have been absolute treachery, and could not have changed the facts. The army and the population still believed in Hitler at that time. Such an overthrow would not have been successful; and even if I, perhaps with the aid of the Allies, had brought about an overthrow, the conditions of the German people, according to the statement of the Big Three, would have been exactly the same as it is now, and I would have been considered for all time as a traitor to my fatherland.

Q You lost your position three times during the war. What were the reasons?

A In 1941, a quite impossible order of a technical nature was issued from above, which would have led to the destruction of the entire Kleist Panzer Army near Rostov. I objected to it, and asked for the recall of the order, because otherwise I would have considered that there could be no confidence in my leadership. I asked that another commander be selected. And thereupon in the light of my request as such, I was removed from my post on the 1st of February. That was the first case.

The second case was on the 2nd of April 1944; and by a very cordial letter, because of the state of my health, I was replaced by another commander.

The third case was on the 9th of March, 1945. I could not be expected, as an old general, to continue to perform the duties of the commander-in-chief.

Those were the three cases.

Q And you found one of these cases against the will of Hitler?

A In the first case one could say so. But he did not hold it against me for in the following March I was made commander-in-chief in France.

Q Now I come to the last question. You know, Field Marshal, that the Prosecution has asked that the military leaders should be declared criminals. As a general officer of the German Army, you know the attitude of these leaders

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toward international law. Please tell the Court about it briefly.

A The rules of warfare and international law as set down in the Geneva Convention and the Hague Rules on Land Warfare were always binding on us older leaders. Their strict observance by the troops was demanded, and steps were taken against excesses which appear in war in all armies. The court-martial records of the various divisions can give information on this point. Property of the inhabitants was to be protected against plundering; strict punishments were given out to keep up discipline. Severe punishments were also declared against atrocities.

All that we could do to protect the inhabitants of countries ravaged by war was done as far as possible. The wounded or conquered enemy was no longer considered such, but had a claim to decent treatment. Despite our effor to be chivalrous, we old officers who had lived through the cavalry, infantry and bayonet battles saw with regret the increasing mechanization of warfare. Today the greatest man is helpless against the force of material. All the more were we leaders of the opinion that while there was fighting on land, the old forms of battle should be maintained, and this had to be told to thetroops again and again.

As senior soldier of theGerman Army, I will say this. We accused leaders were trained in the old tradition of the soldier, the old chivalrous traditions. We lived according to them, and endeavoured to pass them down to the younger officers.

DR. LATERNSER: I have no further questions.

CROSS EXAMINATION

BY MR. CALVACORESSI:

Q Field Marshal, in time of war, the military commander must keep in close touch, must he not, and know the opinions of his immediate subordinates, is that right?

A That is not necessary to that extent. My subordinates only had to know my operational and tactical opinion. They were free as army leaders within their sphere.

Q I want to quote to you one sentence from the evidence which has been given by your former commander-in-chief. The translators already have it. It is on page 2 of Affidavit No.4:

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"During operations, the OKH maintained a constant exchange of ideas with Army Groups by means of telephone, radio and code. The commander-in-chief of the army used every opportunity to maintain a personal exchange of ideas with the commanders of army groups, armies and lower echelons by means of personal visits to them."

Is that, generally speaking, correct?

A That is absolutely correct. And another thing concerning the conduct of the war -- that is, operations and tactical actions -- is that such an exchange also took place from the army groups to the commander-in-chief of the army.

Q I shall read you one more sentence. From the evidence that has been given by Colonel General Blaskowitz. He has said -- and I want you to tell me whether you agree with this -- that it was common practice that the commanders of army groups and of armies to be asked from time to time for estimates of a situation, and for their recommendations, by telephone, teletype or wireless, as well as by personal records.

A It is not quite true that they had to. They could.

Q Now I have some questions on the Russian campaign. You yourself at a conference with Hitler and your Army colleagues raised a question of a gap which existed between your army group and that of Field Marshal von Bock; is that right?

A That is right.

Q And you knew from your former experience that although on the map that g was shown as swamp land, it could be used by troops; and you therefore offered advice about the steps that should be taken to prevent its exploitation by the enemy?

A I pointed out that according to my experience from the former war against Russia, the Russians could operate unhampered in this swamp area, and for that reason it would be practical for German troops to be moved through this area. Thi suggestion was not listened to. As the operations later showed, the Russians had strong forces in the area, and from there they constantly threatened the left win of my army.

Q Yes. I am not concerned with whether the advice was listened to or not. But you agree that you offered it?

A That was not advice, but was a question which I had to present to the

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Fuehrer in the description of the intended operation which occurred to me. But that was not advice.

Q I want to mention one other conference about which we have already hea a certain amount, and that was the meeting which took place -- I think it was i the house of Field Marshal von Brauchitsch -- May, 1938, when there was a question of seizing the Sudetenland. Is it not a fact that at that conference von Brauchitsch asked for the opinion of you and your fellow officers on the proposals which Hitler had laid before you?

A At that time, a memorandum was read which the Chief of the General Staff von Beck had drawn up, which warned against a war over the Sudetenland. It was to be submitted to Hitler later by von Brauchitsch. We were asked for our opinion on this memorandum, and we were unanimously of the opinion that war should not be waged.

Q You were unanimously agreed with General Beck that the sort of war that was likely to happen at that time, if Hitler had his way, should not be waged at that time in that way?

A According to the memorandum, the German army was not in a position to wage this war if France, England, and America would possibly be our enemies. That was the basic thought of the people. We could have dealt with Czechoslovakia but never if the countries just mentioned had turned to the aid of Czechoslovakia. And Hitler was to be warned against this.

Q Then it is fair to say, is it not, that in order for Generaloberst Beck to support himself in the objections which he proposed to make to Hitler, Brauchitsch assembled a circle of leading generals who were of the same opinion as himself? That strengthened his hand, did it not?

A Yes; one could say that.

Q You all agreed in giving similar advice to the advice which had been given by Generaloberst Beck?

THE PRESIDENT: Is this a convenient time to break off?

MR. CALVOCORESS: Yes, My Lord.

(The Tribunal recessed until 1400 hours of the same day.)

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AFTERNOON SESSION

(The hearing reconvened at 1400 hours, 12 Aug. 1946)

GERT VON RUNDSTEDT -- Resumed
CROSS EXAMINATION -- Continued

BY MR. CALVACORESSI:

Q You have given evidence, Field Marshal, to the effect that you had little or no knowledge of such moves as the occupation of the Rhineland and the seizure of the Sudetenland is that correct?

A Regarding the occupation of the Rhineland, I had no previous knowledge; regarding the occupation of the Sudetenland in 1939, I had no previous knowledge, either. I was inactive at the time, retired.

Q What was the highest post you held when you were in service between 1938 and the outbreak of the war in 1939?

A As I reported earlier, from the first of October 1932 until the 31st of October, 1938, I was Supreme Commander of Group I, Berlin. And then I was retired.

Q Therefore, during the period up to the outbreak of the war, during such time as you held the post, and when you received little or no information about what was going on, you were not a member of the indicted group, as defined in the indictment?

A No, I was not a member of that group.

Q And as far as the invasion of Norway is concerned, you were at that time active in a different theater of war, is that right?

A During the period which the Norway enterprise commended, I was Supreme Commander of Army Group A stationed at Koblenz of the West.

Q And in any case, the Norwegian invasion wasnot an affair of the OKH, but of the OKW?

A About that I can't give you any information, whether it was a matter for the navy or a matter for the OKW.

Q Now, in general, before the war, you would say your picture is: the generals who left alone to occupy themselves with training exercises and the training of a relatively small Details and units. Is that a fair summary of the evidence you gave before the Commission?

H0203-0044

A That probably is a misunderstanding. The training exercises were a matter for the divisional commanders and commanding generals, and only Colonel General Von Fritsch asked the Supreme Commanders that they too should concern themselves with smaller details, as I look at it.

Q Anyhow, during this period when the boundaries of Germany were rapidly expanding, you say that the problem of defense came first in the minds of the military leadership of Germany?

A That I didn't quite understand. Did you say the borders of Germany were expanding? They didn't do that. It was only in 1938 through the Sudeten affair and until --

Q I mean from the beginning of the period of the Anschluss until the outbreak of the war with Poland?

A Yes, quite.

Q And you said this morning the exercises which wereheld at that time were defensive exercises, defensive maneuvers?

A I have not held any exercises any more after the Sudeten war in '36, I was pensioned. Whether and to what extent exercises were carried out in '38, '39, that I don't know.

Q And you referred this morning to prewar, 1939 maneuvers, and as I understand it, you spoke of these maneuvers as simply defensive exercises?

A Yes. These were the maneuvers in '36 and 1937. During the latter, myself, as an army commander, was leading a party against an enemy attack against Germany.

Q Would you also describe as defensive exercises those which were held with stukas and other weapons at Groenika in Spain?

A About that, I can't give you any information because the rearmament in 1935 or '36 had been concluded; and in my opinion, after that the air force introduced stukas, that I don't know. At any rate, at that time any type of weapon was justified to my feeling within the rearmed Army.

Q We will pass on to another point. You told us that German officers were severely aloof from politics?

A Yes.

Q Is it not the case that this policy is very closely associated with the name of General von Segt?

H0203 - 0045

A General Von Segt was taking the greatest care in the Reichswehr that no officer was concerning himself with political matters. What he himself did politically, that is another chapter, and about that, I cannot give you any information.

Q Is it not true to say that the reason why General von Segt was determined to keep the army out of politics is the fact that at the time when he took over there had just been the Kapt Putsch?

A That I don't believe. It is a very ancient Prussian tradition that an offider does not concern himself with politics. And Colonel General Von Segt was as loyal a man as possible both as far as the Reich Kapt Putsch as well as theleft, as far as the Communists were concerned, and to the constitution supporting the Weimar Government. That was our general conception.

Q I have no doubt that all that is perfectly true, but I suggest to you that this whole Prussian policy was revised and insisted upon by Von Segt because as a result of Kapt Putsch, he saw how important it was to keep the army out of entanglements with incompetent politicans?

A That is entirely my view. All the more since Hitler Putsch in 1923 placed the army in a very difficult position because the Bavarian division was commencing to detach it self from Segt.

Q Now, Kapt was a failure, wasn't he? He tried unsuccessfully to overthrow the republic?

A No. Segt never tried to overthrow the republic.

Q I said Kapt.

H0203-0046

A. I beg your pardon then; I misunderstood you.

Q. I will repeat that Kapt was a failure, wasn't he ? He tried unsuccessfully to overthrow the Republic ?

A. Kapt was a failure and a very stupid one at that, a very stupid Putsch he could never succeed.

Q. But after 1933 or 1934 Hitler was not a failure, was he ?

A. I shall have to statethat Hitler, under Hindenburg's government, used legal means, namely, the majority of the people, asthe leader of the strongest party to be called into the government. That was a perfectly democratic way in keeping with the constitution, and not by means of a Putsch.

Q. I am not concerned with the forms of democracy or anything like that. I was only asking you whether, after 1933-1934, it was plain that Hitler was not a failure; that was true, wasn't it ?

A. He had the majority of the people behind him/

Q. That is an ascent to success which we pass on. Colonel General Reinhart has said that there was no single officer who did not back up Hitler in his extraordinary successes. Is that right ?

A. No.

Q. Von Blomberg, has said that you and your colleagues in the Army had at that time no reason to oppose Hitler because he produced the results you desired ? Do you disagree with that, too ?

A. That, in this conception is not correct. We did our duty because Hindenburg had made Hitler legally chancellor, had called on him legally, and because, after his death, he appeared as Fuehrer based on the Testament.

Q. Well, the answer is no, you don't agree with the Field Marshall.

A. I have never agreed with Field Marshall von Blomberg at any time.

Q. Have you ever at any time agreed with General Oberst Blaskowitz ?

A. How am I to understand that ? He was one of my subordinates; but what he has said in affidavits, I can not confirm that in that form.

Q. Well, I am only putting to you the fact that when Hitler's power was assured and there was no more danger of his being a failure, the non-political opponents began to disappear ?

H0203-0047

A. No, we always remained non-political. Of course there were active National Socialists, like Reichenau and Blomberg, who were in the Army, but the bulk was politically quite indifferent.

Q. Surely it is common ground, isn't it, that there was a lot in common between Hitler's policy and the general aspirations of you and your colleagues immediately after 1933 ?

A. Yes; that is to say the quality aimed at by Hitler and achieved by him was greeted with favor by us and that there was something good in the National Socialist movement, as I have already emphasized, which was mostly taken over from old Prussian trains of thought, and that of course we always greeted with favor; but the excesses which I have mentioned earlier we all disapproved of, all the older ones at any rate.

Q. When you say that there was a certain amount that was good in National Socialist ideas and that was taken over from the old Prussian times, are you not saying that Hitler revived the old Prussian policy of Nationalistic expansion and that you were glad about it ?

A. That had very little to do with politics as such. These were the principles : care for the worker, just as under Bismarck, social welfare, common welfare as more important than the work of the individual. That was what I understood by it.

Q. Now before the war did you and your colleagues, the heads of the Army, discuss the question of neutrality of Belgium, for instance ?

A. To my knowledge, no. We always believed -- or rather, we never thought of Belgium. We alwayss believed as I said earlier today, that one day Poland would fall upon Germany.

Q. Didn't you say before the Commissioner that you used to have discussion about the neutrality of Belgium ?

A. No, that must be a mistake. Upon the question put by the American Prosecutor I only replied that a march through Belgium into the Ruhr was considered possibly by us.

Q. Well, I have here a copy of the transcript of what was said before the Commissioner.

H0203-0048

I only need to read one sentence and it is at Page 1352 of the English version. According to what I have here you said that "The opinion concerning the neutrality of Beligum and the Netherlands was very much doubted within the higher military circles." Now all I want to ask you about that if you discussed that question, was that not a political discussion ?

A. May I just put that right. This statement before the Commission was made in '39 when we had drawn up our troops to the West, and now the question arises, do Holland and Beligum remain neutral or not. In that connection my answer was given at the time.

Q. Very well. You have also said that you opposed or you fought Nazi totalitarian ideas; is that right ?

A. May I ask you to repeat that question to me please ?

Q. You have said, I believe, that you opposed Nazi totalitarian ideas ?

A. We could not put up any resistance. I opposed it, as so many of my comrades did.

Q. Well, wasn't that a political attitude, a political standpoint ?

A. Everybody, can have a political standpoint for himself but a soldier can have no political activities. That is what I understand on the political standpoint.

Q. A soldier then, in your view, has political views but may not express them; is that right ?

A. Yes, that could be applicable. Of course one could speak to a good friend about such questions and discuss them, but there was never a meeting or a Gremium which was called together during which political questions were discussed.

Q. Now I want to move on to the late 30's. When you say that all the generals -- I forget your exact words this morning, but most of the generals, you said, do maintain the old non-political attitude. I want to show you a document.

MR. CALVACORESSI: My Lord, this is 4060-PS and it will be USA 928

BY MR. CALVACORRESSI:

Q. Now this is a sketch of a speech which General Reinecke proposed

H0203-0049

to give in the autumn of 1938 to some of the up and coming military people. General Reinecke held a very high post in the German Army, didn't he ?

A. At the end he was the supreme chairman of that National Socialist leadership training outfit; in '38 he must have been a junior staff officer a very low grade of staff officer.

Q. Well, he may have been a junior staff officer, but by the middle of the war he was one of the few people who were immediately subordinated to Keitel, wasn't he?

A About that I can't give you any information.

Q But, anyhow, he was a Colonel. It is page 2.

A Yes.

Q After all, he was a very high ranking officer.

A About this entire subject I can not give any testimony. I have never at any time had anything to do with it. As I have mentioned, in November, '38, I was no longer active. About these training courses as Reinhardt was giving them, I can't give you any information.

Q All I am asking you to do is to look at certain passages in this document which I shall indicate to you and which, in my opinion, show that the extreme non-political attitude of the generals was not maintained at this time.

A That will be applicable insofar as Hitler tried everything to make the armed forces National Socialist minded.

THE PRESIDENT: Mr. Calvacoressi, the witness has said that he was retired at the time and has never seen the document. You can put it in if it is a new document.

H0203-0050

MR. CALVACORESSI: Shoult I read from this point or would it be more convenient at the end of the cross examination?

THE PRESIDENT: I think we can look at it ourselves.

MR. CALVACORESSI: If your Lordship pleases. My Lord, there is another document which bears on the same subject and which I shall also put in at this point. That is 4065-PS, and will be US Exhibit 929.

THE PRESIDENT: What is the number of the PS?

MR. CALVACORESSI: 4065, My Lord.

BY MR. CALVACORESSI:

Q. No, Field Marshal, I want to ask you a few questions about the rearmament of Germany. You have told us that the rearmament was purely defensive Do you maintain that?

A. I had said earlier that the measures against Poland were mentioned in Blomberg's affidavit. After 1936 Germany was still too weak to conduct an aggressive war against Poland and I still maintain my opinion that we are here still concerned with a defensive measure.

Q. Well, if you are defending yourself, you must be defending yourself against somebody, and you said before the Commission that you were, among other things, taking defensive measures against the Lithuanians.

A. Yes.

Q. Are you still asking the Tribunal to believe that you were concerned with the defensive measures against the Lithuanians?

A. May I start my answer? I called it, at the time, the basis for the various defensive measures of the war, because at that time there was only one, and later three, divisions. The Poles and Czechs added together were fully in a position to attack the entire East of German unoccupied territories, not mentioning that the French might have crossed the Rhine in the West. Those were the statements which I made, and which were theestimations of the possible course of the war, and how we were going to defend ourselves, whether from the East and West, or from the East alone or from the West alone.

Q. Well, now, we have already had that. You have never agreed with General Von Blomberg on any point, but in June, 1937 -- he was Marshal Von

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Blomberg then, and who was, after all, War Minister and Commander-in-Chief at that time -- he issued a directive in which he said that Germany need not consider an attack from any side. That is already in evidence, My Lord. It is a quotation from Document C-175, US-69.

Now, you said that you thought Germany was to act outside a war. Was it your opinion that Hitler was rearming too fast?

A. No, to thecontrary.

Q. He wasn't arming fast enough?

A. He was rearming too quickly. That was what he accused Blomberg of, namely, that there was a thoroughly slow speed in rearming. Many divisional commanders adopted the same attitude. We could not keep pace with the re-armament program.

Q. Then it is fair to say that what you objected to about Hitler in this matter was his method?

A. That I do not understand. I do not understand what you mean.

Q. What aims did you and your colleagues hope to gain through Hitler on t question of rearmament if not through the methods Hitler himself was using?

A. The aim itself to be achieved by rearmament was in order to protect ourselves from an aggressive war, particularly coming from theEast. This had been attempted earlier by General von Fritsch and Blomberg. Regarding the speed of the rearmament, I said, in answer to a question by the defense counsel that Hitler criticized the Generals. I myself have never discussed rearmament with Hitler from my point of view. An earlier stall had been attempted by peaceful means and through Genova

Q. Now, you knew, from reading the newspapers, didn't you, that Hitler was attempting, as I recall, a diplomatic offensive?

A. I do not know what you mean by that. He mentioned the diplomatic offensive which he put into effect at Munich and at Godesberg. Is that what yo mean by it?

Q. Let me put it in a different way. That a strong military machine was essential was part of Hitler's general foreign policy, was it not?

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A. I did not know it because after what Hitler had created, Germany could feel more secure and things which we had not succeeded in doing by peaceful means Hitler created from things on his own.-- that is, the re-armament program. And, as far as the attack on Poland, the 36 divisions were most useful.

Q. Now, it is your opinion that Schuschnigg would have turned down and given in to Hitler if he had now known that Hitler had a strong military machine?

A. That, I do not believe...

DR. LATERNSER: I object, Mr. President. This question is not permissible because the witness does not know what Schuschnigg thought at the moment and he cannot testify as to what was in the mind of Schuschnigg.

MR. CALVACORESSI: My Lord, I thought it was a question of common knowledge and that everyone discussed this matter at the time. I am not asking him what was in Schuschnigg's mind, but I am asking if, in his mind, he thought Hitler could achieve what he did if Schuschnigg did not know that Hitler had a strong military machine. He can give an answer to that question.

THE PRESIDENT: Perhaps the Tribunal will be able to judge for itself.

MR. CALVACORESSI: If my Lord pleases. I do not want to go over ground that has already been covered, but I only want to bring out a few points which have not been brought out before in connection with this matter. My Lord, if the Tribunal wishes to refresh their minds on this point, in the record on page 6876 where the defendant Ribbentrop was cross examined on matters concerning these.

THE WITNESS: I am only too willing to answer the question.

BY MR. CALVACORESSI:

Q. I do not think, witness, that the Tribunal is interested in having any more on this point. Now, the last point to which I want to turn is the question of the conduct of the war. You know, of course, about the commando order and it is not necessary for us to look at it again. You had said to me that it was never carried out in your area when you were in the field?

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A. Yes.

Q. And you told the OKW in 1944 that it had been carried out?

A. Yes.

Q. Will you please state, categorically, which of those statements is true because they cannot both be true.

A. They don't conflict because I told the defense counsel that the commando order was not carried out by us therefore it was ineffective. Since, however, it went to the Army from Hitler and had been announced in the Army bulletin one would have had to see it at the time. Why should anyone have said "I am not carrying out this order"? Why should he? I see no contradicti I have not added any explanation to it. At any rate, I beg you to believe me that it was not carried out.

H0203-0054

Q Whether or not it was issued, there is no doubt, is there, whether it was carried out or not and there is no doubt that it was issued through regular army and whatever may be the true picture of the number of men who may have lost their lives as a result of the issuance of this illegal order, it is clear, isn't it, that the mere issuing of this order through regular army channels shows that there was something wrong, something rotten with the military leadership of Germany ?

A There wasn't a single person in the West who lost their lives on the strength of that commando order.

Q He is well known for his discipline, is he not ?

A Yes.

Q And you wouldn't suggest, I suppose, that he is more able to commit excesses than any other soldier ?

A That didn't ever happen in this case. I want to again tell you that in the West not a single man lost his life or was killed through that commando order.

Q We are going to leave the commando order now. In general, supposing for the sake of argument that we find that the German soldier is a normally well-disciplined and normally well-behaved soldier, and he acted with unnecessary brutality, would you not feel compelled to look for some extraordinary outside motive ?

A In my sphere of orders, no brutalities occurred.

Q If that did occur, you would have to look for some such motive, would you not?

A The commando order has been carried out elsewhere in another theatre of war, and the commandoes in question or the unit in question acted in accordance with the Hitler order of which they had to assume from the point of view of international law they were justified.

Q You know that we are not talking about the commando order any more. I am going to suggest to you that if this

H0203 – 0055

German soldier, for the sake of argument, behaved badly in Occupied Territory, a logical reason for it would be the knowledge by them that their commanders had a ruthless disregard and indifference for the sufferings of the population.

THE PRESIDENT: The Tribunal thinks that it is too hypothetical a question to put to him.

MR. CALVACORESSI: Your Lordship, if you please.

BY MR. CALVACORESSI:

Q You commanded the Army Group South in Russia in the autumn of 1941, didn't you ?

A The Army Group South; not seven--South.

Q And one of your subordinate commanders was von Reichenau ?

A Yes.

Q And you no doubt heard many times about the order which Fieldmarshal von Reichenau issued to the 6th Army about how to behave in Russia ?

A I never discussed that with him nor do I recollect that I had seen that order before--von Reichenau and I had repeatedly given orders which the Army Group never received and which didn't accept it either. The so-called hardship order there I do not recollect having seen but I do not think on the other hand that through some channels he reached my army group and probably got into the office and at any rate, my former first general staff officer who is also interned here in Nurnberg, cannot recollect either that we received that order or that we had at the time the information. It was a matter, of course, that one would not approve of that order particularly since it is in contradiction of the clear order.

Q I only asked you if you knew of its existence, and I take it from what you have been saying that you do now know of its existence. Are you saying that Reichenau was exceptional in these matters?

H0203 - 0056

A Yes, correct.

Q That he was exceptional ?

A That, considering Reichenau's entire attitude and his character, I assume to be the case. General von Mannstein, General Kleist, General von Schobert, General Stuelpnagel would never on their part have issued such an order. May I go on ? Particularly General von Brachitsch has given the strictest orders that the conduct of the war in the East was to be carried out in the strictest soldierly manner and in accordance to the rules and regulations.

Q You see, yesterday we had put in evidence an order of General Fieldmarshal von Mannstein which was strikingly a similar to the "Runstedt" order. In some passages-----

A The "Reichenau" order, you mean.

THE PRESIDENT: You said the "Runstedt" order.

MR. CALVACORESSI: I beg your pardon, my Lord.

BY MR. CALVACORESSI:

Q Now, was it three or four armies that you commanded in Army Group South ?

A I had four armies under my command and above that, the----

Q And of those four armies which fought so far away so many years ago, we have recovered orders of this kind from two. I put it to you that any soldier of the 6th Army or 11th Army who received this order would be justified in assuming that his commanders-in-chief were encouraging or at least tolerating excesses, and now, just to show you that these matters are not confined to one army group or even to one front, I want you to look at this signal, document No. 4067-PS, and it will be US 930.

My Lord, it is convenient at this point to put this in: I am not suggesting that the witness is himself personally concerned with it. This is a signal that was made to the Panzer Army Africa in June 1942, and I will read it in full as it is very short:

H0203 - 0057

"For Panzer Army Africa via German General with the Supreme Command of the Italian Armed Forces in Rome.--OKH/Quartermaster General for information--Supreme Command of the Air Force/Quartermaster General for information--OKW/WR for information. Top Secret, only to be transmitted via officers. According to information received, numerous German political refugees are supposed to be amongst the Free French Units in Africa. The Fuehrer has ordered that they are to be treated with the greatest severity. They are therefore to be disposed of without mercy in battle. Where this has not happened, they are to be shot retroactively on the command of the nearest German officer immediately and without further ado, as long as they do not have to be kept back for the time being for screening purposes. Written handing on this order is forbidden. Commanders are to be informed verbally." It is unsigned.

You see, whoever sent this order was conscious of its criminality as appears quite clearly from the sentence: "The Fuehrer has ordered that they are to be treated with the greatest severity." The order which the army puts on that in sending it out is to kill. Do you remember the death of Fieldmarshal Rommel?

A Yes.

Q It was generally supposed at the time, was it not, that there was something suspicious about the death of Rommel; did you hear those rumors at that time ?

A No, I did not hear these rumors, otherwise I would have refused to act as a representative of the Fuhrer at the State Funeral for Fieldmarshal Rommel; otherwise it would have been an infamy beyond words.

I only heard of those rumors after I was taken prisoner , from the American papers, according to which Rommel's young son was supposed to have made the statement; namely, that his father took poison in order not to be hanged.

H0203-0058

Q You never heard during those months that preceded the death of Rommel up to the end of the war, that it was being generally said that Rommel had been "bumped off".

A No; it was merely said that he had been under suspicion.

M. CALVACORESSI: Your Lordship, I have no further questions.

THE PRESIDENT: Any other cross examination ? Dr. Laternser.

REDIRECT EXAMINATION

BY DR. LATERNSER:

Q Fieldmarshal, you have been asked with reference to an affidavit No. 4, which comes from Fieldmarshal von Brauchitsch and is in a group of five. The prosecution attached value to this statement that, as it is stated in this affidavit, we are concerned with the personal visits from the Supreme Commanders and that the Supreme Commander would have to be in a position to get the advice of those other Supreme Commanders who were under him. What was the nature of such a condition; on which subject could it have been made and on which matters?

A The matter was not simple. Let me put it this way. If I am the Commander of a Regiment and give a talk to my commanders "You, do this or tha or take this and that village", he does it, and then "How did you take it?", like that. Or if told to do something, he says, "I should rather like to do it to the left or further to the right", it is like on a higher level. Or I may be told by my superiors to do something, and he will say "von Rundsted how are you going to do it?", and I might say, "I perhaps will need one more division." I say that, but I would never say to my superior "What you are doing or saying is wrong." When one gets a task, one does not, he does not discuss it with his superior or say it is wrong. I believe it is understand With Hitler, to argue, it is out of the question.

Q Now with reference to the affidavit number 5, of Col. General Blaskowitz. The prosecution has emphasized that offices of the Army group, and the Army, by means of telephone and wire, had been in contact and had been in a position to get a report from each other, on the situation. Are we not concerned with the ordinary daily communiques which every unit Commander would make?

A Yes, definitely, if I may say so. These situation reports were carried out once in the morning on what happened during the previous night, and once at night as to what happened during the day. If there was action which was of particular importance, then I would report once or twice or three times, as "How are things going?", "How are you doihg?"

Q The prosecution has referred to this affidavit number 5, of Blaskowitz, and for the reason of clearing this statement, I shall read part of this to y now Affidavit of 10 November 1945. Then subsequently I shall ask you whether this is the correct version, as he has described it. I quote "The present affidavit's purpose is to make clear the restriction I made use of in my affidavit of 10th November 1934: 'in their sphere' (meaning commanders at the front). What I state in today's supplementary declaration should be included in the restriction. There can be no thought of advice from a commander at the front coming within a "group" or an actual "advisory circle." Both expressions might be misunderstood; they should only designate a circle in which individual advisers could be heard by their superiors on matters affecting the individual's sphere." Would this supplement to this previous

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explanation correspond to the facts in the case as they occurred?

A Yes, that is so, and it removes the misunderstanding.

Q You were furthermore asked regarding the misunderstanding which occurred before the opening of the Russian Campaign, between you and Field Marshal von Bock?

A That was not a misunderstanding between von Bock and myself. This was a plan laid down by the OKH, and I was commanding the Army South, I disagreed with this plan. That is why I disagreed. It was not a misunderstanding at all. That was a suggestion or improvement coming from me. We would just talk of it.

Q When you both reported to Hitler, was it the same time, or would it take place later?

A They took place one after the other. First Bock had his turn. He did his arguing. Then I had my turn with my leaders. I was referred to the order that officers should not know about matters except what concerned them. Thatmeant that I was not supposed to know what Bock knew and he was not supposed to know what I knew. According to Hitler, it was not my information

Q That went then so far that you reported things separately?

A Yes, the more who are around the more uncomfortable it is.

Q An order had been submitted to you, #4067-PS. According to it, German citizens, as far as they were fighting for the Free French units in Africa, were to be shot. Did you ever hear of it?

A No, I don't know anything about the order.

Q You said before that you had never agreed with von Bock. In this affidavit, Field Marshal von Bock announces the opinion of what is called the "Group of German Staff Officers." Did Field Marshal von Bock have a particula close connection with the Officers?

A He was also a stranger to us. He was of another region. He was philosophical and no one could talk to him. He was a stranger. Once he was a subordinate of mine, before becoming Minister of War.

Q You have not answered the question. Did von Bock have a close contact with the Officers indicted here?

A That I can't say.

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DR. LATERNSER: Thank you very much. I have no further question. Mr. President, in the event that Doctor Schriber is produced by the Russian prosecution, only for that case I should like to make application for yet another witness. He is to be questioned on this point, onvhich he can give the most exact information about that subject. Only this question.

THE PRESIDENT:Will you say what point you mean?

DR. LATERNSER: The Russian prosecution today, during the cross-examination of von Mannstein, had submitted a written statement regarding a special type of warfare.

THE PRESIDENT: Yes, but there are four points in that statement. Which one do you refer to? There is not only one. There are a number of points.

DR. LATERNSER: In the event the witness arrives, I would like to make application that I be given an opportunity to produce a witness of mine, to be questioned about these points. Only an application made for an eventuality.

THE PRESIDENT: You must make the application now. Who is the witness?

DR.LATERNSER: If the witness appears here, I would like to call, to give evidence on this subject, Medical Officer Dr. Handloser, as a witness for the defense.

THE PRESIDENT: Is he in Nurnberg, or where?

DR. LATERNSER: I cannot give you the place where he is, Mr. President, but I will surely give every effort to ascertain it.

THE PRESIDENT: Dr. Laternser, the Tribunal thinks the application should be made in writing, giving the reasons, why you think this doctor knows anything about the biological warfare, and where you can find him. Have you concluded with your witness?

DR. LATERNSER: Yes.

THE PRESIDENT: The Tribunal has nowonly the SA to consider. Will you call your witness for the SA?

DR. BOEHM: I should like to hear first, the first witness, Franz Bock, for the SA.

FRANZ BOCK, a witness, took the stand and testified as follows:

BY THE PRESIDENT:

Q Will you state your full name, please?

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A Franz Bock.

Q Will you repeat this oath after me; I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath).

THE PRESIDENT: You may sit down.

DIRECT EXAMINATION

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BY DR. BOEHM:

Q Witness, when did you join the SA?

A In 1922, I joined the SA.

Q What was your profession at the time?

A At the time I was an office employee.

Q What offices did you hold in the SA?

A From 1922 to 1929, I was an SA man - an SA private. From 1929 until 1932 I had the rank of Truppfuehrer; in 1930 I became a Sturmfuehrer; in 1931 I became a Sturmbannfuehrer. In 1932 when I became unemployed at that time and as a Sturmbannfuehrer, I joined the SA Group south-west as an adjutant, which then became my profession. In 1933 I was transferred to the SA Group in Bavaria east. In 1934 as Standartenfuehrer I was transferred to Traunthein. From 1935 to 1937, I was Brigadefuehrer. In 1937 I became department chief and later chief of the leading department of the supreme staff of the SA. In 1940, I entered the military service. After being in action, toward the end of 1942, I came to Duesseldorf as the leader of the Lower Rhone. There, I remained until the collapse in 1945.

Q So, you are one of the oldest SA leaders. You can therefore tell us why the SA was created and how it was organized.

A Originally, the SA was created as a sports and exercise action in about 1920. Shortly thereafter they were organized into a guard or protection organization as an order group. At that time, the SA consisted of young idealists and front soldiers and fighting men from the last war. It was not particularly well organized until approximately 1925. It was created in accordance with the local needs and necessities.

Q You have talked of a self protection squad in order duties in assembly halls. What was to be achieved by these means?

A The spreading of National Socialistic ideas was particularly necessary at that time and there were mysterious objections from our opponents, who tried to fight against the party even with means of terror. From that a so-called protection organization arose and so called assembly block.

Q Why did the SA fight against these so-called opponents at that time?

A Every ambition for self preservation demands a fight. The realization of National Socialistic ideas, with the aim to achieve the power in

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the state, demanded a fight. In the political pattern, it means a fight against the propaganda by spreading propaganda or by word of mouth.

Q What was the development of the SA from 1925 until the strict organization of the SA in 1931?

A The SA was developing, generally speaking, partially beginning in 1935 and organically speaking with the development of the entire party. It was closely connected with the party and merely had a few small differences on the part of the organization. In principle, it was wielded into one by the party. The party was growing at that time. The SA was recognized by the different powers in the state and was allowed by them, just as all other political parties. For instance, the Reichsbanner or the Union of Storm Fighters, who were the factions of the various organizations and parties of the time.

Q What reasons existed in your opinion for organizing in particular in 1931?

A The development of the party and with it the enlarging of the SA over the entire Reich did make it necessary, particularly at that time, in my opinion. This brought a closer cooperation and the bringing about of closer coordination on the part of the leadership of the SA. Furthermore, it was urgently necessary that when the party rallies, which took place every year when the SA was the main banner of the "March On" for these purposes of propaganda, the SA should have been closely organized within itself and sub-divided accordingly.

Q Why did the SA wear uniforms, or this type of clothing, corresponding to military factions?

A In my opinion, in a sense it is not correct that theSA had military uniforms. Firstof all they had a green shirt and later on a brown shirt, but first of all they were civilian clothes. The SA had to have a certain uniform at that time to make a difference between the SA and theother organizations. If I remember correctly, theuniform at the time was not of a military character and that cannot be derived from it. We never thought at the time that this type of clothing showed any particular type of military character, nor was it supposed to have.

Q Did the members of the other organizations at the time wear any badges of distinction indicating they were units?

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A Yes, of course, the Reichsbanner for instance had similar uniforms to ours and they were our type of shirt uniform. I think that the shirt was grey-green or something like that. All organizations at the time were appearing in the uniforms typical of the organization.

Q Did the SA have arms and who was allowed to carry such arms?

A The SA was not allowed to carry arms and that was expressedly ordered. After 1933, the SA had the so-called "Dagger of Honor", which they received in 1933 or 1934. Later on, only a leader was allowed to carry a pistol and then only with an appropriate police order or a pass for same. The carrying of arms, particularly at that time, was supervised by the police and state and at the time when I was leading units, before every meeting and during every meeting or during our marches and demonstration, we were all searched by the police for arms. We had the strictest orders at the time not to carry arms, even if it was dangerous.

(A RECESS WAS TAKEN.)

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Q. Witness, you were active in the police and were armed. By whom were you armed ?

A. As far as I know, the SA units were treated in state emergencies as auxiliary police and in each case were armed by the competent authorities by whom they were employed, and were essentially led by the military or police agencies.

Q. You know that special units were established in the SA. Please tell me what the tasks of these special units were.

A. These special units were created in the SA in the first place to correspond to the peculiar characteristics of the country, in one hand, the people living near the ocean or those living in the mountains, or in the second place to give the technical abilities of the SA men opportunity. Training in these was, in general, the same as in other SA Sturme. Only to the extent that these Sturme had information material at their disposal or could obtain it as it applied to these special field was service in these special fields carried on.

In addition, particularly in the earlier times we needed these special units and technical units for our big parades, for the demonstrations and so forth, because we could be completely independent here. For example in carrying out a big Party rally in Nurnberg, it was absolutely essential to be able to direct 100,000 men, for us to have intelligence means and engineering means to make the arrangements ourselves for these rallies, and it was the same with the individual guards. There also, the intelligenc units were set up for such purposes.

Furthermore, later these intelligence units and all these special units were used, in a sense, for service in catastrophe and protection against catastrophe, for which the SA was employed.

Q. For what purpose did the SA keep musicians' units ?

A. They belonged to the marching units when they wanted to appear for propagandistic and recruiting purposes. In addition, they needed these musicians' units for the big rallies of the Party.

Q. From what point of view was assignment in the SA made ?

A. I should like to say that that varied greatly everywhere. In the firs place, it was according to purely Party viewpoints, and as I said in regard to these special units, for the Party rally parades and so forth, for the meetings, for the distribution of handbills, and so forth.

Furthermore, the SA service was there in order to arrange the columns for the parade in such a way that they would be a good means of recruitement in the demonstration, and finally, for service in catastrophes which had to be practised in order to be effective.

Q. Did the SA members perform their obligations ?

A. As far as I could see in my units, the SA men performed their duty gladly, only there were great difficulties for the men, difficulties arising from the men's occupational duties. For example, a worker in the Ruhr District could, of course, not always be available at a camp for his service.

As I emphasized at the beginning, service varied greatly, and especially in the country districts it was very difficult. It was limited to the fall and wnter months when training could be carried on.

Q. Did the SA men perform their duty according to their oath or in blind obedience ?

A. The SA man performed his duty voluntarily. He followed, according to an oath, the orders which were given to him. The oath was that he, the SA man, was obligated to absolute obedience to his superior unless illegal things were demanded of him. That is about how it read.

Q. Service in the SA was voluntary, you said. Do you know of no cases in which the principle of voluntary service was broken ?

A. It may be that units appeared with the SA who were not built up on a voluntary basis. I am speaking, for example, of the Reich schools or the Sturme which were recruited primarily from students later on.

Q. Were there punishments in the SA ? Was there a code of punishment and why was it necessary ?

A. There was a penal code in the SA and there were punishments. The SA had to have these in order to maintain discipline and order in its ranks. One must consider that in the SA we had people from all sections of the

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population, and that after the seizure of power we received an enormous number of people into our ranks, all of whom we could not oversee, so disciplinary and penal codes had to be created in order to maintain order and discipline. There was no prison punishment in the SA. So-called arrest sentences were provided for which were intended primarily for the schools In all my time, I never needed to use them.

Q. From the fact of the existence of a penal code, can one not conclude a military character of the SA ?

A. Not according to my opinion. One must have punishments in any organization.

Q. What other regulations were there in the SA ?

A. There was a general service regulation in the SA; there was a uniform regulation, a medical regulation, and the drill order.

Q. Why was this drill regulation necessary ? Must one not conclude a military character of the SA from it ?

A. The drill regulation was a regulation for exercise. It was created in the SA in order that the units which were to march would give the necessary good picture. These exercises concerned the appearance, the bearing of the men, and were primarily to effect marching discipline. A comparison with the service regulations of the Army is not possible, for as I know. these regulations of the Army, they include drill with arms in the forms of battle, while we had only physical exercises.

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Q Was there not an SA Sport or some other insignia for special training?

A There was an SA sport insignia. After 1939, after the decree of the 19th of January, it was called the Defense Insignia. This SA Sport or Defense Insignia was an award for achievement; like the German Sport Insignia it was an award for achievement. It included Group 1, so-called physical exercises, that is for physical achievement; Group 2, defense sport exercises; and Group 3, water service and mental exercises. That is how they were taught and practiced. This defense insignia had the purpose of achieving moral defense among the SA. By that I mean there was taught in the schools first a mental attitude toward defense in the sense of a patriotic conviction, the training of the men for defense and for self-consciousness, and finally the maintaining of the physical strength through bodies trained in sports.

Q Was the execution of the tasks of the sport insignia immediately possible on a large scale, or was special preparation necessary?

A The execution of these exercises for the SA Sport Insignia required long preparation. It was clear that this insignia first had to be taught by corresponding men and leaders and that corresponding training had to be given before the execution of this insignia could be carried out on a broad basis. In addition, in the execution of this insignia, essentially and primarily in th country we lacked the necessary means. Thus it came about that after the re-establishment of this Sport Insignia in 1935 the Sport Insignia had to be carried into the life of the SA men gradually year after year. In addition, t work for this Sport or Defense Insignia was not the main task which we had in the SA but taking this test was more or less voluntary and supplementary in intention and execution.

Q Is training and the discipline of this Defense Sport Insignia to be judged from a military point of view?

A In my opinion, this insignia is to be judged not from a military point of view but, as I said, like the Reich Sport Insignia, as an Insignia of achievement. Essentially it included the disciplines which were included in t German Sport Insignia or in any other sport discipline; for example, the obstacle races, hammer throw, spear throwing, swimming, etc.

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Q The prosecution asserts that such activities played a great role in the defense of the country. What do you have to say to that?

A Only to the extent that all functions of civil life play a certain role in the defense of a country.

Q Did attendance at the SA Schools bring with it military qualification? What schools were there in the SA?

A There were four possibilities of training in the SA. First, the so-called week-end training, covering free Saturdays and Sundays. At these week-end courses the lower ranks, the Scharfuehrer and Trupp fuehrers were primarily trained. This was a so-called elementary training for the lower units. This was only a brief training which could be held when necessary. The next school was the so-called SA Gruppenschulen (Group School), that is within the district of a Gruppe. It included the Sturmfuehrer and lasted about two weeks. At the so-called SA Gruppenschulen the purpose of the training was the formation of comradeship in the Sturmfuehrer, to introduce them into general SA service in their Sturme, to instruct them briefly in sport activities and at the same time to introduce them to the discipline of the Sport or Defense Insignia. Furthermore, questions of the day were discussed, brief general mental training, and, finally, an examination of their achievements, ability and character. The next school was the Reichschulen (Reich Schools). They were primarily for the middle leaders, the Sturmbann-fuehrer and Standartenfuehrer. The service was more or less the same as at the Gruppenschulen only one step higher. Generally there was an examination of the ability and achievement of the individual and of his character, and an introduction to the SA service at the rank represented. These schools were also...

THE PRESIDENT: Dr. Boehm, can't you condense this a little bit? We have got this all. You are going straight through the examinations as far as I can make out, where you know we don't want that.

DR. BOEHM: Yes, Mr. President, I will try to condense it a little.

Q The prosecution asserts that officers were trained in these schools. What do you have to say to that? Officers for the Wehrmacht, of course.

A SA Fuehrers were never trained as officers of the Wehrmacht at these

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schools, only trained for SA Fuehrers and nothing else.

Q Were drills with arms carried out at these schools?

A No, none at all.

Q The prosecution alleges further that 70 percent of the militarily trained men of the SA were sent to the Wehrmacht. What do you have to say to that?

A According to the German Defense Law, every German had to fulfill his military service no matter to what organization he belonged. The SA did not train any soldiers. In 1940 I myself served in the Wehrmacht as a simple soldier and became an officer, although I had been inspector of the SA Gruppenschulen.

Q Did the Wehrmacht have an opportunity to influence these schools in any way?

A No, the Wehrmacht had no opportunity to influence these schools and no right to inspect the schools.

Q Tell me, witness, what do you understand by political soldiery and defense training in the SA?

A Political soldiery means the attitude and the bearing of the men connected with a clear political idea. As for military training in a military spirit we understood as training in physical, mental, and spiritual attitude, nothing else.

Q You know the Decree of the Fuehrer on military training of the SA of the 19th of January, 1939. How about this order? Was it carried out or not?

A This order of the 19th of January wasnot carried out. Immediately after the outbreak of war, when all the preparations involved in this order had not been concluded, the commander-in-chief of the army repealed it and postponed it until the end of the war. Chief of Staff Lutze intended on the 1st of October to have an experimental beginning of this training but this was not done. At the beginning of the war everything was still in an experimental stage and in a preparatory stage.

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Q. Can one say that the decree of the Fuehrer of the 19th of January, 1939, can be interpreted to mean that this was in a logical development to the work of the SA before 1939?

A. As I could see it, no. The state of training of the SA when the decree was issued was not such that one could speak of an analogous continuation. Our whole training from 1934 to 1939 was only a general sport training. Otherwise, in my opinion, there would have been no need for any agreement between the SA and the commanders in chief of the three branches of the Wehrmacht. In the second place, immediately after the 19th of January we could have begun, and in the third place, the training of the SA fuehrers, as far as I know, was about 80% not military training. To be able to fulfill even the slightest military demands these leaders would no doubt first have had to learn in the army what had to be done for this training.

Q. Can one say that in the field of pre-military and post-military training as originally ordered, any practical execution ever took place?

A. In my opinion, no. In the first place, this order was given only on the 19th of January, not before, and it was never carried out. In the second place, it could not be, because it was to begin only on the first of October. No men could come back, since on the first of September the war had begun. Only the preparations were made of a technical and financial nature, and perhaps the general considerations of how and in what way this order could be carried out.

Q. And then an order was given that this activity concerning pre-military and post-military training of the SA should be stopped?

A. As far as I know, this was issued by the commander-in-chief of the army. In the second place, by the party chancellory in the same way that this measure was to be put aside, and if I recall rightly, this letter of the party chancellory included further instructions that this whole decree of the 19th of January, because of the difficulties connected with the youth organizations and with the party units -- execution by the SA alone was to be reviewed and perhaps given up entirely.

H0203-0073

Q. Did the SA have the financial possibility for creating training opportunities, especially in the special units?

A. The SA had very slight opportunity. For example, the SA Sturm had 80 to 120 men. A Standarte had about 800 to 1200 men. An SA Gruppe had about 2500 to 3500. I can't say exactly. These means were just sufficient in order to cover the immediate needs for the offices. For any larger undertakings, for our special units, we had hardly any means. If from time to time we received any funds, then those were only smaller amounts which were distributed over the SA leadership. Generally, however, and I believe I have mentioned that, our SA men, especially in the special units, Sondereinheiten, to the extent of about 90%, manufactured their tools themselves or from means which they had collected from friends of acquaintances or had brought with them.

Q. Witness, there was some shooting in the SA, among other things. Will you tell us what kind of weapons that shooting was carried on with and how many of these weapons were at the disposal of the individual leaders?

A. The SA carried out shooting exercises on ranges with small caliber weapons and in part also with proper guns. At any rate, at various leader meetings we had shooting competition, but just as a matter of entertainment. Some SA men and units on private rifly ranges or clubs from time to time were carrying out competitions in regular shooting. The rifles which we had, the number of rifles, was very small. I remember --

THE PRESIDENT: We surely don't want the details of these rifles. You have probably got it all in your hearings at the Commission, the details of the particular caliber of the rifles.

DR. BOEHM: Mr. President, this witness was also only named for two questions, the question of military training in the SA and several questions in connection with the newspaper "Der SA Mann," the publication. I believe that I have only a few more questions to put to this witness altogether.

BY DR. BOEHM:

Q. You have spoken about schools before -- troop schools, and so on. During the war were these schools continued?

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A. Shortly after the beginning of the war -- no, I would rather say immediately at the beginning of the war, the largest number of these SA school were transferred to Berlin. Only a few were still continued. The reason for that was that in the course of time more and more SA men and leaders were inducted into the armed forces, and on the other hand those who remained at home by their occupation were kept so busy that they could no longer carry out there service in the SA to the fullest extent, and especially at school.

Q. Now I should like to ask about another subject, the last one which I would like to discuss with you, and that is the publication "The SA Man". Can we consider "The SA Man" as an official publication of the supreme SA leadership?

A. No, I did not consider it an official publication because I know that "TheSA Man", that is, the publication, had not been published by the SA leadership. I was a publication such as many others.

Q. What was the attitude of the supreme SA leadership to that publicat

A The supreme SA leadership has published official statements -- offic publications, such as promotions or announcements of a similar nature, in that publication. Apart from that, the contents were similar to those of other publications.

Q Did you, as chief of the office, Amtschef, in the supreme SA leadership have any influence on that publication.

A. No, I had no influence on that publication. I only know that my superior, the Hauptamtschef, meaning the chief of the office, had tried repeatedly to get a special section in that publication for the purpose of training -- a publication about training. It was not possible, though. I do not know for what reason, but I have always assumed that they were purely business matters which made that impossible.

Q. Now was that publication "The SA Man" used for training purposes with in the SA?

A. I have not noticed that. I have not experienced that, not seen it. That publication was distributed in schools and was read there such as other purblications were, but for special training purposes, as much as I know,

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it was not used.

Q. There appeared in that publication articles about armament in other nations, a series of afticles. Couldn't we say that these articles were published in order to give reason for our own armament?

A. In my opinion, that particular weekly was not as well distributed that it could have had any influence on important people or large numbers of people.

Q. Do you know of a publication within the SA which had been an official organ?

A. The Verordnungsblatt, the official Werordnungsblatt, the publication containing regulations of the supreme SA leadership, or for instance the SA Fuehrer, the "SA Leader" which was published by a special department in the supreme SA leadership.

H0203-0076

Q Could you tell me who guarded the concentration camp in Dachau from the very beginning.

A As much as I can recall, that was guarded by SS. I, myself, was never in that camp. Only later did I find out about the excesses of that camp..

Q What was the result of the seizure of power on the 30th of January to the old SA man; that is, what was the result as far as the SS man was concerned after the serious political confront of the years before?

A At the time of the seizure of power, I was an adjutant. And if I think back at that time today, I remember that I believe at first that on the basis of the tremendous political tensions and conflicts of the 12 years that preceded that time, that just at that time, it would have to come to a tremendous erruptic of fury and hatred and reprisals. I wish to state that within this sphere, which I could overlook, I had to see and could notic that the seizure of power passed quietly and that also the old SA man who from the fighting days still knew conditions, was calm and remained calm and collected.

Q In what light, however, do you see the various excesses which have occurred later on from 1933 to 1934 according to the statement which you have now given?

A The cases which occurred later I can only see and judge so that in spite of discipline and order which had been commanded, they could only have committed by a few individuals or small groups, who did not understand the sense of our socialis revolution. That is the limitation, the full extent; or on the other hand there were individuals who were thrown out of their regular ways and could not find their way back to the orde the sound order of their own state.

DR. BOEHM: Mr. President, I have no further questions to put to this witness.

THE PRESIDENT: Does the Prosecution wish to cross-examine?

H0203-0077

CROSS-EXAMINATION

BY MR. BARRINGTON:

Q Witness, you have told the Tribunal that the SA were trained only in political soldierdom. Did not "political soldierdom" mean that the SA men had special privileges in the State which the ordinary German citizen had not?

A I do not know what privileges the SA men were supposed to have had.

Q Was not the SA man one of the National Socialists' elite?

A The SA man was the political soldier within the movement and nothing else.

DR. BOEHM: Mr. President, our machinery does not work. We do not understand the question. The Witness only understands it in part because he understands some English.

MR. BARRINGTON: Would it be possible for Dr. Boehm to come and sit here? The German switch appears to be working all right here.

THE PRESIDENT: Yes, I think so. If his earphones are not working properly he can get another pair.

BY MR. BARRINGTON:

Q Was the SA man subject to the same restraints of behavior as an ordinary German citizen?

A To a much greater extent. The SA man performed his services voluntarily, and he was subject, in a particular measure, to the law. I have dealt for years with the turning out of thousands of SA men, and supporting them in their work. I had to take care of many poor and needy SA men.

H0203-0078

Q I ask you -- perhaps the translation did not come through correctly -- were there the same restraints, or restrictions, on the behavior of the SA men as there were on ordinary German citizens?

A Mr. Prosecutor, I would ask you to tell me what restraints you mean. I do not know of any essential restraints.

Q Is your answer no? There were no restraints? Or is it yes?

A I asked a question of the Prosecutor. What restraints are you referring to as not being the same that the SA man had imposed upon him? That is how I understood the question.

Q Was the SA man as free in his behavior, or was the SA man more free in his behavior, than the ordinary German citizen?

A (No response)

Q If you cannot answer it, have a look for a moment at the general service regulations that you talked about just now.

MR. BARRINGTON : My Lord, that is on Page 30-A of Document Book B. It is Document 2620 PS, and is USA Exhibit 247.

BY MR. BARRINGTON :

Q Look first at Affidavit I. I think it is on Page 9. Have you got it?

A Yes.

Q "The SA man is the political soldier of Adolf Hitler"; and a few lines further down : "He therefore enjoys special prestige and has definite rights in the State."

Do you deny that those words mean what they say? Wasn't the SA man in a privileged position?

A (No response.)

H0203-0079

Q Wasn't the SA man in a privileged position?

A I can only say that as far as I was an SA man, and as much as I know about SA men, SA men were not in a privileged position. Besides, we are concerned here with the SA service regulation of 1933, which, according to my knowledge, was rescinded essentially in 1934, and --

Q I do not care when it was rescinded. It was issued on the 12th of December, 1933, was it not? And that was after the Nazis were in power?

A (No response.)

Q Well, you can say it says so on the top of it. Tell me what those definite rights in the State were that the SA man is said to have by Article I. What were the definite rights in the State? What did it mean? Every SA man read that book?

A If the SA man was in the service of the State or was used in the service of the State, or merely the police service, he, of course, had the privileges accorded that particular service.

Q You cannot answer what they are, I suppose. Well, look at that Article 10 on Page 13. Have you got Article 10, Page 13?

A 10, yes.

Q "The exalted position of the SA man may not be degraded by insulting, slighting or unjust treatment".

How was the SA man "exalted" above other German citizens?

A In my opinion, he only had a prticular responsibility, or special duty.

Q What did it mean when it said he had "an exalted position", and he must not be insulted? He could insult other German citizens, could he not?

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A (No response).

Q Was the SA man exalted above the Army? Yes or no?

A I have already said that as far as I have experienced myself I never had any special privilege or assumed any special privilege, and therefore I cannot imagine that the SA man had any particular privilege or could have assumed any special privileges.

Q Very well, then; that is your answer. Now, look at Article 18, Page 17:

"The SA man may use weapons which are entrusted to him only in execution of his service for legal self-protection".

Now, I want you to tell me, what aspect of the SA man's service might require the use of weapons other than self-defense?

A I have already said that the SA man could be used for emergency service (Notdienst); generally with regard to these service regulations, I would like to say that in my opinion it had been issued under Roehm at the time --

Q I do not want that. Roehm was chief of staff of the SA, and what he issued presumably was law to the SA. And he says that they may use weapons only in execution of their service or for legal self-Protection.

Now, I ask you again, apart from self-protection, what case could there be where the SA man's service should require the use of a weapon? If you cannot answer, say so.

Q I can only say what I have already said in answering a question of my counsel, that the SA was armed only to the extent that it was active in carrying out functions of the State, and in the course of that service,

Q Are you suggesting that the purpose to which they might use their weapons might be a military purpose, then?

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A (No response)

Q Are you suggesting they might use them for a military purpose, if they were called for that purpose?

A I have said emergency service, specially auxiliary police service, or police service as far as the SA was called on to do so.

Q You say you are not asserting they would use them in the army, but you are asserting they might use them to assist the police, are you?

A All police emergency service, or police auxiliary service,

Q Do you mean, then, that when they were under the police auxiliaries, this regulation in the General Service Regulations of the SA was the regulation that

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applied to them? Or did police regulations apply?

A (No response).

Q Did they take the commands of theSA, or did they take the commands of the police when they were auxiliary policement? That is what I want to know.

A Mr. Prosecutor, I have only stated that which I have seen myself. I do not know what has been decreed in detail according to the service regulations. The SA man, as I have seen it, was armed whenever and as far as he was used in the State or police auxiliary service, or emergency service.

Q Can you tell me any other case besides police servide when he would have to use his arms, except self-defense? Any other case?

A (No response)

Q I put it to you, witness, that what these arms which are mentioned in this Article 18 were meant for was nothing more nor less than for the carrying out of the so-called SA action; is that not right?

A I can only repeat again and again that in my opinion --

THE PRESIDENT: Witness, you can answer the question. It is either right or it is wrong. You can say you were with the SA all this time.

THE WITNESS: If the SA man used the weapons without being used himself for emergency service, then he became liable to punishment. Apart from that, the SA man was used only for emergency service.

BY MR. BARRINGTON:

Q The SA man, I put it to you, became liable for punishment if he used his weapons for a purpose that the SA did not approve of. But what I am saying now that he was encouraged -- indeed, ordered -- to use his weapons for actions which the SA did approve of?

A (No response)

Q Well, if you cannot answer it, I will leave it.

Look on in that little book to one more thing. Look on to Page 33, No. 6 of the punishment order; page 33. Have you got Page 33?

A Yes, I have Page 33.

Q Read the last sentence of the first paragraph, about punishment:

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"Right is what is advantageous to the movement and wrong what harms it." Have you got that?

A No.

Q "Right is what is advantageous to the movement and wrong what harms it."

A Yes, I have found that.

Q Now, I suggest to you, witness, that what is advantageous to the movement, such as SA actions, is precisely the thing that the SA arms and weapons were meant to be used for; is that right or wrong? Will you answer that yes or no?

A The SA leaders were used under the command of their leaders, and they had to know for what purpose they used their SA men.

Q I do not think that has much to do with my question. Look again at that sentence, "Right is what is advantageous to the movement and wrong what harms it." Does that not show perfectly clearly that the Nazi Party regarded the SA as a privileged party who were entitled to commit crimes if they were advantageous to themovement?

A The SA man was led, and could not only on the basis of that regulation act as an individual, as he wanted to. Theregulation alone did not entitle him to do that.

MR. HARRINGTON: I have only got one more document. There are only two or three questions on it, My Lord.

THE PRESIDENT: Very well.

MR BARRINGTON: My Lord, the document is the first document in Book C. It is D-918. Oh, I beg your Lordship's pardon. It is Book 16-B. The document is D-918 and it will become GB-594.

BY MR. BARRINTON:

Q Witness, I am not going to take you into any detail in this document. You can see what it is. It is Lutze's Training Directive for 1939, and you will see on Page 2 the date on which it was issued was the 4th of November, 1938, which was before Hitler's order about the pre- and post-military training. Now I have only one point to put to you on this document. You have maintained just now, have you, that the training of the SA was predominantly for sport; is that right?

A I have said that the training of the SA was primarily training and exercis towards the achievement of the sport insignia and ideological and physical training generally.

Q But didn't you say that the emphasis was placed upon sport and not upon military tendencies? If you didn't say that, admit it.

A I cannot remember the details of what was said before I can only say that one thing, that the SA only had a wehrsportliches training; that is defense as sport training. As far as the physical -- the training of energy is concerned and the mental attitude is concerned, it was such as is stated here.

Q You don't deny then that that training had a military tendency behind it; do you deny that? The training for the sports insignia, had a military tendency behind it?

A For any kind of military train - we had not received any mission. That was moral education. And I should like to point out again and again that in so far as the mental education. education toward energy was concerned and nothing else.

Q Well, all I want you to do is to run your eye down certain passages of this document. Look at Page 7 of Lutze's Training Directive for 1939. You will see that Page 7 deals with the first training period, from November '38 until the beginning of February '39, and at the bottom part of the page you will see, set out in certain sequence, the items on which particular attention is laid: Marching, drill, shooting, field training, and last of all, sport. Can you see that?

A Yes.

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Q Now turn to page 3 -- I'm sor , Page 10 -- Page 9 first. Turn on to page 9, which gives you a similar thing for the second training period., from Februar to April, 1939. In the middle of the page you will see, underlined: Drill, firir training, and last of all, sport. Do you see that?

A I don't know, Mr. Prosecutor, what you are referring to right now. I have it now.

Q Turn on to page 10, where you see the same thing for the third and last training period, which is May to June '39. On Page 10 you will see the same thir Drill, musketry, field training, and last of all, sport. Isn't it perfectly clea that sport was very much an excuse and a means to an end?

MR BARRINGTON: My Lord, I am not proposing to ask any more questions of thi witness, as the general topics will be dealt with in the cross examination of th witness Juettner.

THE PRESIDENT: Very well. We will adjourn now.

(The Tribunal adjourned until 13 ugust 1946, at 1000 hours.)